



RESOLVES

OF THE

GENERAL COURT

OF THE

Commonwealth of Massachusetts,

BEGUN AND HELD AT BOSTON, IN THE COUNTY OF SUFFOLK, ON WEDNESDAY, THE TWENTY-EIGHTH DAY OF MAY, ANNO DOMINI, ONE THOUSAND EIGHT HUNDRED AND SIX.



BOSTON:
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CIVIL LIST
OF THE
COMMONWEALTH OF MASSACHUSETTS,
For the political year 1806-7.

HIS EXCELLENCY

CALEB STRONG, Esq. Governor.

[General HEATH having declined serving, there will be no Lieutenant-Governor this year.]

COUNCIL.

Hon. Levi Lincoln,
William Eustis,
Samuel Fowler,
Daniel Kilham,
Thomas Hazard, jun.

Hon. Marshall Spring,
Benjamin J. Porter,
Nathan Weston,
William Widgery.

SENATE.

Hon. JOHN BACON, President.

Suffolk—Hon. H. G. Otis, C. Gore, John Phillips, William Spooner, and Peter C. Brooks.

Essex—Hon. Enoch Titecomb, John Heard, John Phillips, jun. Elias H. Derby, John Row, and Nathaniel Thurston.

Middlesex—Hon. John Maynard, Aaron Hill, Wm. Hildreth, and Samuel Dana.

Hampshire—Hon. John Hastings, Ezra Starkweather, Hugh M'Lellan, and George Bliss.

York—Hon. John Woodman, and Joseph Storer.

Bristol—Hon. Nathaniel Morton, and Josiah Dean.

Plymouth—Hon. Albert Smith, and Nathan Willis.

Barnstable—Hon. James Freeman.

Dukes-county and Nantucket, Hon. Isaac Coffin.

Worcester—Hon. Salem Town, Daniel Bigelow, Elijah Brigham, and Thomas Hale.

Cumberland—Hon. Levi Hubbard, and Daniel Ilsley.

Berkshire—Hon. John Bacon, and Timothy Childs.

Norfolk—Hon. John Ellis, and John How.

Kennebeck—Hon. Thomas Fillebrowne.

Lincoln, Hancock, and } Hon. John Farley, and

Washington, } George Ulmer.

Rev. Wm. Emerson, *Chaplain.*

John D. Dunbar, Esq. *Clerk.*

HOUSE OF REPRESENTATIVES.

Hon. PEREZ MORTON, *Speaker.*

SUFFOLK.

Boston, Jonathan Mason,
William Smith,
Samuel Parkman,
William Brown,
Jona. Hunnewell,
William Sullivan,
John Weiles,
Edw. Tuckerman,
William Phillips,
John Winslow,
Francis Wright,
Stephen Codman,
Redford Webster,
Simon Elliot,
Thomas Perkins,
Benjamin Russell,
Daniel Sargeant,
Thomas W. Sumner,
James Lloyd, jun.
John Callender,
Thomas H. Perkins,
Thomas K. Jones,
Benjamin Goddard,
Benjamin Whitman,
John T. Apthorp,
Thomas Danforth,
Charles Davis,

Chelsea,

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William Cleveland,
John Southwick,
Joshua Ward,
William Stearns,
Joseph Story,
Henry Elkins,
Joseph White,
Joseph Winn,
Marblehead, John Prince,
Nathan B. Martin,
Philip Besom,

John Bailey,
Asa Hooper,
Joshua Prentiss, jun.
Lynn & Lynnfield, Joseph Fuller,
Micajah Newhall,
Aaron Breed,
Ebenezer Hart,
Danvers, Gideon Foster,
Samuel Page,
Nathan Felton,
Beverly, Joseph Wood,
Israel Thorndike,
Thomas Davis,
Abner Chapman,
Gloucester, William Pearson,
Daniel Rogers, jun.
John Somes,
William Pearce, jun.
Caleb Norwood, jun.

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Wenham,
Hamilton, Robert Dodge,
Middleton,
Ipswich, Nathaniel Wade,
Jona. Cogswell, jun.
Joseph Swasey,
Rowley, Benj. Adams, jun.
Thomas Gage, jun.

Newbury, Joseph Little,
Joseph Newell,
Enoch Sawyer,
Ebenezer Stocker,
Newburyport, Mark Fitz,
Ed. St. L. Livermore,
And. Frothingham,
Jonathan Gage,
Edward Little,
Stephen Howard,
John Pearson,
Andover, Thomas Kittredge,
Boxford, Thomas Perley,
Bradford, Daniel Stickney,

Samuel Webster,
Topsfield, Nath. Hammond,
Salisbury, Jonathan Morrill,
Amesbury, Benjamin Lurvey,
Haverhill, David How,
Methuen, Stephen Barker.

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Matthew Bridge,
David Goodwin,
Seth Wyman,
Richard Frothingham,
Cambridge, Jed. Willington.
Jonathan L. Austin,
Daniel Mason,
Wm. Whittemore, jr.

Medford, Nathaniel Hall,
Malden, Jonathan Oakes,
Watertown, Jonas White,
Waltham, Abner Sanderson,
Newton, Timothy Jackson,
Eben. Woodward,
Weston, John Slack,
Lincoln, Samuel Hoar,
Lexington, William Munroe,
Sudbury, William Hunt,
East-Sudbury, Jacob Reeves,
Stow & Boxboro', Eph. Whitcomb,
Marlborough, John Loring,
Framingham, Josiah Stone,
Natick,
Sherburne, Calvin Sanger,
Hopkinton, Walter M'Farland,
Holliston, Jason Chamberlain.
Concord, Joseph Chandler,
Jonas Lee,
Woburn, Samuel Thompson,
Stoneham, Daniel Gould,
Reading, Daniel Graves.
Wilmington,
Bedford, David Reed,
Billerica, Joseph Locke,
Tewksbury, William Simonds,
Chelmsford, William Adams,
Carlisle, Ephraim Robbins,

Acton, Samuel Jones,
Littleton, Simon Hartwell,
Westford, Thos. Fletcher, jun.
Groton, Timothy Bigelow,
Joseph Moors,
Shirley, Nath. Holden,
Pepperell, Joseph Heald,
Townsend, John Campbell,
Ashby,
Dracut, Israel Hildreth.
Dunstable & Tyngsboro', Isaac Wright.
Burlington,

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Longmeadow, Ethan Ely.,
Wilbraham,
Monson, Abner Brown,
So. Brimfield & Holland, David Wallis,
Brimfield, Stephen Pynchon.
Palmer, Aaron Merrick,
Hare, William Bowdoin,
Belchertown, Eleazer Clark,
Eliakim Phelps,
Ludlow, Gad Lyon,
Granby, David Smith,
South-Hadley, Ruggles Woodbridge,
Hadley, Samuel Porter,
Amherst, Samuel F. Dickinson,
Pelham, Isaac Abercombie,
Greenwich, Abijah Powers,
Shutesbury,
Leverett,
Sunderland, Giles Hubbard,
Montague, Nathan Chenery,
Wendell, Joshua Greene,
New-Salem, Samuel C. Allen.
Timothy Packard,
Northfield, Medad Alexander,
Warwick & Orange, Josiah Cobb.

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 Thaddeus Clapp.
*Westhampton, Silvester Judd,
Southampton, Lemuel Pomeroy,
Westfield, Ashbel Eager,
 Jedidiah Taylor,
W. Springfield, Jona. Smith, jr.
 Samuel Fowler,
 Charles Ball,
Southwick, Joseph Forward,
Granville, Ezra Marvin,
 Abraham Granger,
Blandford, David Boies,
Russell,
Montgomery,
Norwich, Aaron Hall,
Chester, Martin Phelps,
Middlefield, Uriah Church,
Worthington, Elisha Brewster,
Chesterfield, Benj. Parsons,
Williamsburgh, Wm. Bodman,
Hatfield,
Whatley, Phineas Frary,
Deerfield, Ephraim Williams,
 Elihu Hoyt,
Conway, John Bannister,
Goshen, Nehemiah May,
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Cummington, } Peter Bryant,
& Plainfield, } Adam Packard,
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Buckland, Enos Pomery,
Shelburne, Aaron Skinner,
Greenfield & } Jerome Ripley,
Gill, }
Bernardston } H. Newcomb, jr.
& Leyden, } Gideon Ryther,
Coleraine, David Smith,
Heath, Roger Leavitt,
Rowe,
Charlemont, Levi Stearns,
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Nath. Goodwin,
Zacheus Bartlett,
Joseph Thomas,**

*Kingston, John Faunce,
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 Adam Fish,
Marshfield, Elisha Phillips,
Pembroke, Nathaniel Smith,
 Isaac B. Barker,
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Middleborough, John Tinkham,
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 Levi Pierce,
 Chillingworth Foster,
Rochester, Gideon Barstow, jun.
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Wareham,
Carver, William Attwood,
Plympton, Seth Cushing,
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Hanover, Benjamin Bass,
Scituate, Charles Turner, jun.
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Hingham, Hawkes Fearing,
Hull,*

BRISTOL.

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Somerset, John Bowers,
Swanzey, Daniel Hale,
Attleborough, Joel Reed,
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Easton, John Tisdale,
Norton, Laban Wheaton,
Raynham, Israel Washburn,
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New-Bedford, Lem'l Williams,
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Dartmouth, Holder Slocum,
Westport, William Almy,
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Falmouth, Benj. Percival,
Yarmouth, David Nye,
Dennis, Frank Wicks,
Brewster, David Killey,
Harwich, Isaac Clark,
Chatham, Benjamin Bangs,
Orleans, Ebenezer Weekes,
Eastham, Richard Sears,
Wellfleet, Richard Sparrow,
Truro, Samuel Freeman,
Provincetown, Lemuel Newcomb,

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Tisbury, Shubael Dunham,
Chilmark,

NANTUCKET.

Nantucket, Micajah Coffin,
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Edward Bangs,
Ephraim Mower,
Leicester, Nath. P. Denny,
Spencer, Benjamin Drury,
Brookfield, Jabez Upham,
Oliver Crosby,
Eleazer Bradshaw,
Western, Joseph Field,
Sturbridge, Oliver Plimpton,
Charlton, David Wight,
John Spurr,
Samuel Robinson,
Dudley, Thomas Learned,
Douglas, Aaron Marsh,
Uxbridge, Bazaleel Taft,
Mendon, Joseph Adams,
Milford, Samuel Jones,
Northbridge,
Sutton, Jonas Sibley,
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Ward, Joseph Stone,

Grafton, Joseph Wood,
Upton, Ezra Wood, jun.
Shrewsbury, Jonah Howe,
Westborough, Nathan Fisher,
Southborough,
Northborough, James Keyes,
Boylston, James Longley,
Paxton, Nath. Crocker,
Holden, William Drury,
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Harvard, Isaiah Parker,
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Israel Allen, Reuben Holcomb;
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Oakham, Peres Waterman,
New-Braintree, James Woods,
Hardwick, Timothy Page,
Seth Pierce,
Barre, Elijah Caldwell,
Asa Walker,
Hubbardston, Jno. M'Clanathan,
Westminster, Jonas Whitney,
Leominster, Jonas Kendall,
Lunenburgh, Edmund Cushing,
Fitchburgh, Samuel Gibson,
Ashburnham,
Winchendon, William Whitney,
Gardner, Jonathan Osgood,
Templeton, Leonard Stone,
Royalston, Isaac Gregory,
Petersham, Nath. Chandler,
Athol, James Humphreys,
Gerry, Ithamar Ward,
Dana,

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Washington, Z. Wheeler,
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Loudon,

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William Brewer,
Elisha Whitney,
Ralph Smith,
Brookline, Stephen Sharp,
Dorchester, Perez Morton,
Ezekiel Tolman,
Phineas Holden,
Dedham, Isaac Bullard,
Ebenezer Fisher,
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Needham, Daniel Ware,
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Medway, Jeremiah Daniels,
Milton, David Tucker,

Quincy, Benjamin Beale,
Braintree, Robert Hayden,
Weymouth, Samuel Bayley,
James Torrey,
Cohasset, Thomas Lothrop,
Randolph, Thomas French,
Canton, Joseph Bemis,
Stoughton, Lemuel Gay,
Sharon, Jonathan Billings,
Walpole, Asa Kingsbury,
Foxborough,
Wrentham, Samuel Day,
Benjamin Shepard,
Franklin, Peletiah Fisher,
Bellingham, Daniel Thurber.

YORK.

York, Alexander M'Intire,
Kittery, Mark Adams,
 Nathaniel Staples,
 William T. Gerrish,
Wells, John Storer,
Arundel, Eliphalet Perkins,
Biddeford, Ichabod Fairfield,
Berwick, Richard F. Cutts,
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 William Hobbs,
 Nathaniel Nasson,
Lebanon, David Legro,
Sandsford } Thomas Keeler,
& *Alfred*, } Nath. Conant, jun.
Lyman, John Low,
Phillipsburgh, John Smith,
Waterborough,
Shapleigh, John Leighton,
 Josiah P. Woodbury,
Newfield,
Parsonsfield, David Marston,
Limerick,
Limington, James Kettell,
Cornish, Jonah Dunn,
Buxton, Samuel Merrill, jun.
 Nathan Elden,
Saco, William Moody,
 Ichabod Jordan,

CUMBERLAND.

Portland, Joseph Titcomb,
George Bradbury,
Matthew Cobb,
William Jenks,
Joseph H. Ingraham,
Falmouth, John Waite,
James Means,
Josiah Hobbs,
George Ilsley,
Scarborough, Benj. Larrabee,
George Hight,
Cape Elizabeth, Wm. Gregg,
Gorham, Lothrop Lewis,
Standish, Edmund Mussey,
Windham, Josiah Chute,
Gray, Joseph M'Lellan,
North Yarmouth, A. R. Mitchel,
David Prince,
Jacob Mitchell,
Freeport, Nathan Wesson,
Harpswell, Benj. Duning,
Brunswick, Robert Given,
Durham, Christopher Tracy,
New Gloucester, Isaac Parsons,
Joseph E. Foxcroft,
Pegypscot,
Poland, Thomas Barnes,
Minot,
Raymond,
Baldwin,
Bridgetown,
Harrison,
Otisfield,

LINCOLN.

Wiscasset, David Payson,
Woolwich, Abner Wade,
Dresden, Samuel T. Goodwin,
New-Milford, Moses Carleton,
Boothbay,
Edgecombe, Wm. Patterson,
New-Castle, David Murray,
Bristol, John Johnson.
Simon Elliot,

Nobleborough, James Perkins.
Waldoborough, Joshua Head.
Joseph Ludwig.

Cushing,
St. George, Ebenezer Otis.
Thomaston, Isaac Bernard.
Mason Wheaton.
Warren, Samuel Thatcher.
Camden, Samuel Brown.
Hope,
Union,
Palermo,
Georgetown, Mark L. Hill.
Bath, William King.
Peleg Talman.
Topsham, Benj. Hasey.
Bowdoin, James Rogers.
Bowdoinham, Elihu Getchel.
Litchfield, John Neal.
Lisbon, Luke Lambert.
Lewiston, John Herrick.

KENNEBECK.

Augusta, Joshua Gage.
Hallowell, Samuel Moody.
John Sewall.
Gardiner, Barzillai Gannett.
Monmouth, Simon Dearborn, jr.
Greene, Luther Robbins.
Leeds, Seth Howard.
Winthrop, Nath. Fairbanks.
Readfield, Peter Norton.
Wayne,
Fayette, Solomon Bates.
Mount Vernon, John Hovey.
Belgrade, Moses Carr.
Sydney,
Waterville, Elnathan Sherwin,
Fairfield,
Rome
Vienna,
New-Sharon,
Chesterville,
Pittston, Jedediah Jewett,
Vassalborough, S. Reddington.

Harlem,
Winslow, Charles Hayden,
Fairfax,
Unity,
Clinton, Asher Hinds,
Canaan, Bryce M'Leilan,
Norridgewock,
Madison,
Cornville,
Athens,
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Farmington, Moses Chandler,
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Hartford,
Sumner,
Norway, Luther Farrar,
Fryeburgh, John M'Millan
Brownfield,
Lovell,
Waterford, Eber Rice,
Albany,
Bethel, Eliphaz Chapman,
Jay,
Dixfield,
Rumford,
Gilead,
Newry,
East-Andover,

WASHINGTON.

Machias,
Addison,
Columbia,
Harrington,
Steuben,
Eastport,



RESOLVES, OF THE GENERAL COURT OF MASSACHUSETTS,

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON;
ON WEDNESDAY, THE TWENTY-EIGHTH DAY OF MAY,
ANNO DOMINI, 1806.

GOVERNOR'S SPEECH.

STATE HOUSE, TUESDAY, JUNE 17.

At 12 o'clock, the Senators attended in the Representatives Chamber agreeably to assignment, His Excellency, the Governor, entered, attended by the Honorable Council, and the Sheriff of Suffolk; when His Excellency delivered the following

SPEECH:

GENTLEMEN OF THE SENATE, AND

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

THE Constitution makes it necessary for the Legislative Body to assemble on the last Wednesday of May, that the two Houses may judge of the election of their own Members, appoint their officers, and determine their rules of proceeding; and in case the full number of Senators is not elected by a majority of all the votes returned, to supply the deficiency; and to make choice of a Council to advise in the Executive part of Government. Having performed these several duties, you will proceed to make and establish such reasonable Laws as you shall judge expedient for the good and welfare of the Commonwealth; and the necessary support and defence of the government. But it has been found

inconvenient

THE GOVERNOR'S SPEECH.

inconvenient for the Members of the General Court to be long employed in the public service at this season of the year, and therefore they have usually postponed to the winter session such business as did not require their immediate notice.

The Secretary will deliver you a communication, which I have received from the Governor of Maryland relative to an Amendment of the Federal Constitution; and also a letter from WILLIAM EATON, Esq. expressing his acknowledgments to the Legislature of this State for the testimonial which they presented him at the last session, of their approbation of his services.

He will also deliver to you a letter from the Superintendent of the State Prison, representing, that a sea wall will be necessary to prevent the earth which is taken from the prison yards from being washed away, and proposing some regulations for the security of the prison, which cannot be adopted without the sanction of Legislative authority.

The Treasurer has transmitted to me a state of the Treasury on the first day of this month, with a request that I would communicate the same to the General Court.

Permit me also to recommend to your consideration the contents of a letter addressed to me by Theophilus Parsons, Esq. Chief Justice of the Supreme Judicial Court, relating to the compensation allowed to the Justices of that Court, and particularly to the grants made by the Legislature in part of it, which are not permanent.

By a Message to the General Court of the 6th of June, 1804, they were informed, that I should readily acquiesce in such Resolution for disposing of the Province-House, as they might think proper to adopt. But I have not heard that any measures were afterwards taken by the two Houses on that subject. The family who had lived in the house for several years, and with whom I resided when in town, have left it since the last session, and it remains unoccupied.

I have received a letter from Charles Turner, jun. Esq. who was appointed by the agents of the Commonwealth, and of the Plymouth company, in pursuance of a Resolve of the 27th of last February, to perform the duties which had been assigned to Lothrop Lewis, Esq. by a Resolve of the 15th of February, 1804, stating, that in March last, he attempted to run the boundary line of the Plymouth Company's land on the river Kennebec, as far as the land of the Commonwealth, and that he met with such opposition from the people in that vicinity, as induced him to desist, before the business was accomplished. This letter will also be aid before you.

The Treasurer informs me, that the Directors of several of the incorporated Banks in this State, neglected last year to have the weights used in their respective Banks, compared, proved and sealed by the Treasurer, or by a person specially authorised by him, in the manner required by the additional act for the due regulation of weights and measures, passed on the 9th of March, 1804. If those requisitions are unnecessarily burdensome, you will doubtless amend the act; but if they are useful and important, you will probably take measures for carrying it into full execution.

In a letter directed to me by the Inspector of Beef and Pork, he suggests, that the Inspection Laws of this State are very imperfect; and that some of the additional acts which have been made to regulate the system, have tended rather to perplex and embarrass, than to improve and explain it. This subject, I presume, will receive from you that degree of attention which is due to its importance.

In free states, where the mind is neither subdued by force nor awed by terror, even the appearance of unanimity is not to be expected. But whatever differences of opinion may prevail among our fellow-citizens, we, as agents of the Commonwealth, have one and the same interest to pursue, and are bound by the most solemn obligation to pursue it invariably. Our constituents have a right to expect our warmest zeal, not for the success of a party, but for the public good. You, gentlemen, I trust will have this object constantly in view, and instead of consulting private interest, or gratifying partiality or resentment, will be ready to agree in all cases where the general welfare of the state is concerned. Such an example in the Legislature will have the happiest tendency in every part of the Commonwealth to abate the fervor of political dissensions, and prevent or repress those internal feuds, which if long continued, admit of no reconciliation—and which in other countries have proved fatal to almost every free government.

CALEB STRONG.

June 17th 1806.

ANSWER OF THE SENATE.

MAY IT PLEASE YOUR EXCELLENCY.

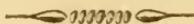
THE Senate have received the Address which your Excellency has been pleased to make to both Branches of the Legislature, with that respect and consideration which is due to the First Magistrate of a free people.

Having organized the Government, according to the Constitution, we believe it will not be expected by our Constituents that we should continue longer in session, than may be found necessary to complete such Laws as their immediate welfare shall require.

In a State, like our own, where free discussions of public measures are cherished by the Constitution, perfect unanimity is not to be expected; but if such discussions have at any time been directed by party zeal, or selfish motives, we have the satisfaction to believe, that even these have tended to prove the correctness of its principles.

While we agree with your Excellency, that "whatever differences of opinion may prevail among our fellow-citizens, we, as agents of the Commonwealth, have one and the same interest to pursue," we cannot for a moment relinquish the fond hope, that no considerations of party politics will swerve the Legislature of Massachusetts from that path which leads to the perpetuation of our Constitution and the confidence of our fellow-citizens.

The several subjects mentioned in your Excellency's communication, shall receive our particular attention, and we shall cheerfully co-operate in affording that dispatch to the business of the session which the public good requires.



ANSWER OF THE HOUSE OF REPRESENTATIVES.

MAY IT PLEASE YOUR EXCELLENCY.

THE House of Representatives have received with pleasure, the communications of your Excellency, and will give them a prompt and deliberate consideration. The present session has been hitherto chiefly devoted to the organization of the Government, and this being accomplished, it seems inexpedient to prolong it, unless the pressure of the public service requires. In the exercise of the constitutional power of the two branches of the Legislature, respecting the returns and election of a Chief Magistrate, various questions of great importance have arisen, and oc-

ANSWER OF THE HOUSE OF REPRESENTATIVES. 5

casioned much deliberation, in order that such decisions might be made to comport with the true principle of our government and the permanent interests of the people.

Differences of political opinion unavoidably flow from the free exercise of the understanding, and are intimately connected with the nature of Republican institutions. When confined within the boundary of reason they may be considered as salutary, by awakening a spirit of inquiry, and diffusing a sentiment of toleration. But the interest and tranquility of every government require, on the part of the people, a respectful attention to the constituted authorities, which shall resist the imputation of improper motives of conduct, and on the part of those authorities an elevated ambition for the public good, which shall bury party animosities and private resentments. By a faithful discharge of the duties prescribed by the constitution, by an endeavor to promote harmony in the moment of political dissensions, and by a sincere determination to act for the public welfare, we hope to merit the confidence and promote the felicity of our fellow-citizens.

Blest, as we are, with a constitution, formed upon the principles of political wisdom, and with a national administration, whose measures are directed to the honor and prosperity of our country, we cannot fail to enjoy the benefits of liberty, if we are not insensible of our duties, or careless of our privileges. Removed from the contentions and miseries of foreign nations, may we support the dignity of freemen by a generous confidence in our rulers, and by an exalted sense of national character.

RESOLVES.

I.

Resolve for appointing additional Notaries for Barnstable county.
June 16, 1806.

Resolved that two additional public Notaries be appointed for the county of Barnstable, one to reside in the town of *Yarmouth*, and one in the town of *Harwich*.

II.

Resolve on Petition of Isaac and Mary Mills. June 16, 1806.

ON the petition of Isaac Mills, and Mary his wife a minor, setting forth that the said Mary is seized and possessed of certain real estate in the town of Becket, in the county of Berkshire, and praying that the said Isaac and Mary may be authorized to sell the said real estate ; and the Judge of Probate for the said county having certified the facts stated in their petition, and that it would be to the advantage of the said Mary that the said land should be sold.

Resolved, for the reasons stated in said petition, that the said Isaac Mills and Mary his wife, be and they are hereby authorized to execute a Deed or Deeds of conveyance of the said real estate, her minority notwithstanding ; and that said Deed or Deeds by the said Isaac and Mary, executed in due form of law, pursuant to this Resolve, shall have the same force and effect, as though the said Mary, at the time of the execution thereof were of full age.

III.

Resolve for pay of the Council, Senate and House of Representatives. June 18, 1806.

Resolved, that there be allowed and paid out of the Treasury of this Commonwealth to each of the members of the Council, Senate and House of Representatives, two dollars per day for each day's attendance the present session, and the like sum for every ten mile's travel, from their respective places of abode to the place of the setting of the General Court : *and be it further resolved*, that there be paid to the President of the Senate and Speaker of the House of Representatives, each two dollars per day for each and every day's attendance over and above their pay as Members.

IV.

Resolve on Petition of Stephen Torrey, directing the Treasurer to deliver a certain original Order. June 18, 1806.

On petition of Stephen Torrey praying that the Treasurer of the Commonwealth may be authorized to deliver a certain original Order.

Resolved, for the reasons set forth in said petition that the Treasurer of the Commonwealth be, and he hereby is authorized and empowered to annex the original order in said petition mentioned, to his deposition; and to deliver the same to the said Stephen Torrey or his agent, taking a written engagement from said Torrey, or his agent, to return the said order into the Treasurer's office as soon as the same can be returned, after having been used for the purpose in said petition expressed.

V.

Resolve on the Petition of Comstock Betts and Linus Hall, authorizing two Justices to grant them licences to retail liquors. June 18, 1806.

On the petition of Comstock Betts and Linus Hall, both of *Richmond* in the county of *Berkshire*.

Resolved, for the reasons set forth in the said petition, that any two Justices of the Peace for the county of *Berkshire*, quorum unus, are hereby authorized, to grant licence to the said Comstock Betts and Linus Hall, or either of them, as retailers of spirituous liquors, within the said town of *Richmond*, until the next Court of General Sessions of the Peace for the county of *Berkshire*, the said Comstock Betts and Linus Hall, complying with the requisitions of the Law of this Commonwealth for regulating licences.

IV.

Resolve confirming the records and doings of the Town Clerk of Vienna. June 18, 1806.

On the petition of Joshua Moore, Robert Cofren, and Benjamin Porter, selectmen of the town of *Vienna*, in the county of *Kennebec*, representing that for the present year, and for several years past, the Clerk of said town has not been annually sworn, upon his re-election into office, as the law directs; and requesting that this neglect may not be injurious to the proceedings of said town of *Vienna*;

Resolved, that the past records and doings of the Town Clerk of said town of *Vienna*, be, and hereby are confirmed, and made as good and valid in law as they would have been if said Town Clerk

Clerk had been annually sworn as the law directs, upon his reelection into office; *Provided*, that said Town Clerk shall, within three months from the passing of this resolve, make oath before a Justice of the Peace for the county of *Kennebec* that he has, during all the time of his serving in said office of Town Clerk, performed his duty therein, with fidelity according to his best judgment, as the law directs, and that a certificate of said oath shall be, within the time aforesaid, recorded with the records of said town.

VII.

Resolve on the Petition of Archippus Morgan and others for raising a company of cavalry in second Regiment, first Brigade, 4th division. June 18, 1806.

On the petition of Archippus Morgan and others praying for liberty to raise by voluntary enlistment a company of cavalry within the second regiment, first brigade and fourth division of the militia of this Commonwealth.

Resolved, that his Excellency the Governor, with the advice and consent of Council, be, and he is hereby authorized and empowered to raise by voluntary enlistment a company of cavalry within said second regiment, first brigade, and fourth division of the militia of this Commonwealth; *provided* the standing companies in said regiment, are not thereby reduced below the number prescribed by law—said company when raised to be attached to the batallion of cavalry in said first brigade and fourth division, and subject to all such rules and regulations, as are, or may be provided by law, for governing the militia of this commonwealth.

VIII.

Resolve granting a tax to the county of Plymouth. June 18, 1806.

WHEREAS the Treasurer of the county of *Plymouth*, has laid his accounts before the General Court in manner prescribed by law, which accounts are hereby allowed; and the clerk of the Court of General Sessions of the peace for said county of *Plymouth*, having laid before the General Court an estimate, made by the said Court of General Sessions of the peace, for the said county, of the debts due from, and the necessary charges likely to arise within the said county the present year, amounting to eighteen hundred dollars.

Resolved, That the sum of eighteen hundred dollars, be, and hereby is granted as a tax for said county of *Plymouth*, to be apportioned, assessed, collected and applied for the purposes aforesaid, in manner as the law directs.

IX.

Resolve on the Petition of Thaddeus Thompson. June 18, 1806.

On the petition of Thaddeus Thompson ; stating that Jonathan Smith and Nathaniel Kingsley, Esqrs. agents of the Commonwealth, for the purpose of making sale of confiscated estates in the county of *Berkshire*, in their said capacity of agents, as aforesaid, for a valuable consideration, conveyed to him, the said Thaddeus, in fee simple, with the usual covenants of warranty, a certain tract of land lying in *Lenox* in said county of *Berkshire*, containing fifty acres, more or less, particularly described in the said deed of said Jonathan and Nathaniel, to said Thaddeus, as an estate by law confiscated in said county of *Berkshire* ; and that Mary Dickinson, widow of the late Elizur Dickinson of *Stockbridge* in said county, has commenced her action, to recover her dower in the premises, claiming the same by virtue of the seisin of the said Elizur in his life time during her coverture of said Elizur ; and that she is legally entitled thereto.

Resolved, the facts above stated appearing to be true, that William Walker of *Lenox* aforesaid, Esquire, be authorized to settle the claim of said Mary, aforesaid, and procure an acquittance of her right in the premises, to said Thaddeus Thompson on such terms, as to him the said William, shall seem just and right ; and make report of his doing thereon, at the next session of the Legislature.

X.

Resolve granting three hundred and fifty dollars to Jacob Kuhn in addition to his pay as Messenger of the General Court. June 19, 1806.

Resolved, That there be allowed and paid out of the public Treasury to Jacob Kuhn, *three hundred and fifty dollars*, for the present year, commencing the thirtieth day of May last, to be in addition to the sum of *four hundred dollars* allowed him by a resolve of *March* the twenty sixth, 1793, establishing the pay of the messenger of the General Court, and also the further sum of fifty dollars, in consideration of his present sickness.

XI.

Resolve on the Petition of Nathaniel Ely, Esquire, and others, granting eight hundred dollars for support, &c. of two Indian boys. June 19, 1806.

On the petition of Nathaniel Ely, Esquire and others, praying for the aid of the Legislature, in the support and education of two Indian boys, from Canada, descendants of the late Rev.

John Williams, formerly minister of *Deerfield*; and that they may be reimbursed the sums already expended in their support and education.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to said Nathaniel Ely, for the purposes aforesaid, the sum of *eight hundred dollars*; which sum, in addition to the sum of *three hundred dollars* granted to said Nathaniel, by a resolve of the General Court, on the fourth day of *June* in the year of our Lord eighteen hundred and four, is to be in full for supporting, cloathing, and educating said Indian boys, and all expences relating thereto, up to the first day of *June* current.

XII.

Resolve for printing the laws, &c. of this Commonwealth.
June 19, 1806.

Resolved, That the honorable John Davis and Joseph Story Esquires be a committee on behalf of this Commonwealth to contract with some person or persons for printing for the use of the Commonwealth, twelve hundred copies of the public acts, and such private acts of this Commonwealth, as they may deem proper not already published in the late edition of private acts passed since the fifteenth day of *November*, in the year of our Lord one thousand eight hundred, and before the fourteenth day of *June* in the year of our Lord one thousand eight hundred and five; and also all such Resolves of the several provincial Congresses of the late colony of the Massachusetts Bay, as are of a general nature, and which are declared to have the force of laws by an act of the Great and General Court or Assembly of the Colony of *Massachusetts Bay*, in *New-England*, holden at *Watertown*, on the nineteenth day of *July*, one thousand seven hundred and seventy-five, the Records of which remain in the Secretary's office; and also, that the committee aforesaid be authorized in like manner to contract for the printing of twelve hundred copies of so much of the Records of the General Court, or Governor, and Company of the Colony of *Massachusetts Bay*, as relate to the history, settlement, laws, and jurisprudence of the Country, for the Commonwealth aforesaid, which part of said Records the Secretary of the Commonwealth was directed, by a Resolve passed the eleventh day of *March* last to transcribe into one volume.

Resolved also, that said committee be authorized in like manner to transcribe or cause to be transcribed, from the records and transactions of the Governor and assistants of the old colony of *Plymouth*, such part as they may deem proper, and relative to the history, settlement, laws, and jurisprudence of said colony, to be printed

printed as aforesaid, and that the aforesaid acts, and records be printed and bound in a volume, or volumes which shall conform in size with those published pursuant to a resolve of the General Court, passed the twenty-eighth day of February, one thousand seven hundred and ninety nine, with proper indexes and marginal references.

And be it further resolved, that the second section of the resolve which passed the eleventh of *March*, eighteen hundred and five directing the publication of a third volume of the General Laws, be and hereby is repealed.

XII.

Resolve on the Petition of Ammi R. Mitchell. June 19, 1806.

Whereas Ammi R. Mitchell of *North Yarmouth*, in the county of *Cumberland*, Esq. has set forth in his petition, that he was duly appointed Guardian to one Thomas Chandler Russell, a distracted person, now deceased, and that in the said Russell's life time he obtained licence from the Supreme Judicial Court of said Commonwealth to sell and pass Deeds of so much of said Russell's real estate as would amount to the sum of *three hundred dollars* for the payment of his just debts and charges of sale—and that in pursuance of said licence, after taking the oath and giving notice as the law directs he sold at public auction the following pieces of real estate: viz. One quarter of an acre of land situate in said *North Yarmouth*, four rods in front, and ten rods back contiguous to land of Amasa Baker, to one Joel Haven of the same *North Yarmouth* blacksmith.

Also one other quarter of an acre, four rods in front and ten rods back being the same on which stand Buildings belonging to the late John Russell deceased, to one Jeremiah Stubbs of the same *North Yarmouth*, Yeoman.

That after the said sale and before the deeds were passed, the said Thomas Chandler Russell died: Therefore,

Resolved, That the said Ammi R. Mitchell, upon receipts of the consideration money, be and he hereby is authorized, in his said capacity, to make, execute and deliver proper and sufficient deed or deeds of the said pieces of land to said purchasers, which shall be as valid as if made in the said Thomas Chandler Russell's life time: The said Mitchell to be accountable on his bond already given to the Judge of Probate.

VIII.

Resolve granting a Tax to the county of Bristol. June 20, 1806.

Whereas the Treasurer of the county of *Bristol*, has laid his accounts before the General Court, for examination and allowance, which

which accounts have been examined and allowed; and the Clerk of the Court of General Sessions of the peace for said County, has exhibited an estimate made by the Justices of said Court, of the necessary charges likely to arise within the said county, the year ensuing, and of the sums necessary to discharge the debts of said county, amounting to two thousand dollars; Therefore,

Resolved, That the sum of two thousand dollars be, and the same is hereby granted, as a tax for the said County of *Bristol*, to be apportioned, assessed, paid, collected, and applied for the purposes aforesaid according to Law.

XIII.

Resolve granting eleven hundred and ninety dollars and sixty-four cents to Stephen Lyman, in full judgment of Circuit Court, on a bond given to John Murray, an absentee. June 21, 1806.

On the petition of Stephen Lyman, stating that he, with Jason Edward and Nathan Wright and Edward Wright, jun. *March 1st, 1774*, by their bond of that date, became bound to John Murray, Esq. then of Rutland, in the sum of *two hundred and eighty pounds*, conditioned for the payment of *one hundred and forty pounds*, and interest; and that said John Murray joined himself to the enemies of this Commonwealth, and was a conspirator and absentee, and that said John's estate was declared to be forfeited to the then State of *Massachusetts*, and that afterwards pursuant to a law of said State, the obligors in said bond paid to Thomas Ivers, Esq. treasurer of this Commonwealth, on the thirteenth day of December, 1785, *two hundred and thirty eight pounds fourteen shillings*, in full of the principal and interest due on said bond, and that Daniel Murray, Administrator on said John's estate, sued the said Stephen in the Circuit Court on said bond, and that he petitioned the General Court to interfere and defend said suit, and said General Court declined to interfere therewith; and that afterwards at the Circuit Court holden at *Boston*, in the district of *Massachusetts*, on the first day of *June* instant, judgment was rendered on said bond, after a full defence on his part, for *nine hundred and thirty-three dollars, thirty-three cents* debt and costs, taxed at *one hundred and two dollars thirty-one cents*, and that he has expended great sums in defending himself against said suit; and the same statement appearing to be true:

Resolved therefore, that there be and hereby is, granted to the said Stephen the sum of *one thousand and thirty-five dollars and sixty-four cents*, in full of said judgment on the bond aforesaid, and also a further sum of *one hundred and fifty-five dollars* for costs

costs by said Stephen incurred in defending himself against said suit, and that his Excellency the Governor be requested to draw his warrant on the treasurer for said sums.

XIV.

Resolve on the petition of Hugh Mc Curley, directing the Sheriff of Suffolk to discharge him from prison. June 21, 1806.

On the petition of Hugh Mc Curley, shewing that he has been confined in the gaol in the county of Suffolk since the fifth day of April last, by virtue of two executions in favor of the Commonwealth, amounting to *one hundred and forty-four dollars and fifty-five cents*, and that he is wholly unable to pay any part of said sum, or to support himself in prison, and it appearing by the certificate of the Gaol keeper, that he is now sick :

Resolved, That the whole of the aforesaid sums amounting to *one hundred and forty-four dollars and fifty-five cents*, due by virtue of the two executions aforesaid, be, and hereby are remitted to him the said Hugh Mc Curley, and that the Sheriff of the County of Suffolk be, and he hereby is directed to discharge said Hugh Mc Curley from prison.

XV.

Resolve on petition of John Bosson, appointing a Committee to extinguish James Martin's claim. June 21, 1806.

Upon the petition and representation of John Bosson, setting forth that certain real Estate situated in Boston, in the county of Suffolk, which, in the year seventeen hundred and eighty-two, October the thirteenth, he purchased of Richard Cranch, Samuel Henshaw and Samuel Barrett, agents for this Commonwealth, the same real Estate having been considered as confiscated property of William Martin and Ann his wife, and that the said Commonwealth had a legal right to sell and convey the same, and said Commonwealth by their aforesaid agents did sell and convey the same to said Bosson, and by their deed of warranty, covenant with said Bosson to defend the same title to said real estate to said Bosson, his heirs and assigns ; and whereas it appears, that said estate was never legally confiscated, and said Commonwealth never had any right to convey said estate, and James Martin, son and heir of said William and Ann Martin, has recovered judgment for possession of said real estate, against said Bosson, in the Circuit Court of the United States.

Resolved, That Perez Morton, William Brown and Thomas Harris, Esquires, be commissioners on the part of this Commonwealth, to settle with said John Bosson, and to extinguish any claim,

claim which said James Martin may have to said estate, or any claim which said John Bosson, his heirs and assigns may have on this Commonwealth, on account of said sale or transfer of said real estate to said John Bosson, by said Cranch, Henshaw and Barrett, or by this Commonwealth, provided the same can be done on such terms as the said commissioners may deem just and reasonable, and whenever said commissioners shall produce to the Attorney General or Solicitor General of this Commonwealth, such discharges and acquittances as in the opinion of said Attorney General or Solicitor General shall forever hereafter prevent any right of demand upon this Commonwealth for any damages, on account of said sale of said real estate, in any person or persons whoresoever, then the said Commissioners shall receive out of the Treasury of this Commonwealth, such sums of money of the unappropriated money of this Commonwealth, then in said Treasury, as may be necessary to effect the purposes of this Resolve ; and the Governor of this Commonwealth shall be authorized, by and with the advice of Council, to issue his warrant for that purpose accordingly.

XVI.

Resolve authorizing Essex Turnpike Corporation to erect a gate or half gates, when the road shall be approved. June 21, 1806.

Resolved, That whenever that part of the Essex Turnpike Road which extends from the north line of the State of Massachusetts towards the town of Boston, shall be sufficiently made, agreeably to the Acts of the General Court establishing and relating to said Turnpike, and shall be so allowed by any three Commissioners to be appointed by His Excellency the Governor of this Commonwealth for that purpose ; *Then* the proprietors of said Turnpike shall be authorized to erect a gate or half gates, at proper distances, within said road, and to take such toll in proportion to the whole toll allowed to said Corporation, as said Commissioners shall establish conformably to the provisions of the third section of the original Act establishing said Essex Turnpike, passed on the twenty-second day of June, Anno Domini one thousand eight hundred and six : Provided however, that nothing herein contained shall prevent the legislature from altering or repealing any part of this Resolve.

XVII.

Resolve on the petition of Rachel Gould, rendering valid the sale of certain Estate. June 21, 1806.

On the petition of Rachel Gould, Administratrix on the Estate of George Gould, late of Dedham, in the County of Norfolk, gentleman,

gentleman, deceased ; representing that she had obtained licence of the Supreme Judicial Court, at the term thereof holden at Dedham in said County of Norfolk, in September last, to sell a certain part of the real estate of said George, for payment of his debts, but had neglected to give bond previous to the sale thereof to the Judge of Probate for said county according to law.

Resolved, for reasons set forth in said petition, that the sale of said real Estate, so far only as the same is rendered invalid by reason of the said Rachel's neglecting to give bond as aforesaid, be and hereby is confirmed and rendered valid, upon condition however that the said Rachel, within three months from the date hereof, give bond with sufficient surety, or sureties, to the acceptance of the Judge of Probate for said County of Norfolk, in such sum as the said Judge shall direct, conditioned that the said Rachel has in all other regards complied with the directions of the law in that behalf, and shall duly account for the proceeds of such sales according to law.

XVIII.

Resolve granting Mary Avery, one thousand dollars. June 21,
1806.

On the petition of Mary Avery,

Resolved, for reasons set forth in said petition, and inasmuch as the late John Avery, Esq. Secretary of this Commonwealth, has had no grant or addition to his salary, for many years past; there be allowed and paid to the said Mary Avery, widow of the late John Avery, Esq. the sum of *one thousand dollars*, and his Excellency the Governor, with advice of Council, is requested to draw a warrant on the Treasury for the said sum.

XIX.

*Resolve granting Six Hundred Dollars to Jacob Kuhn, for fuel,
&c.* June 21, 1806.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to Jacob Kuhn, messenger of the General Court, the sum of *six hundred dollars*, to enable him to purchase fuel, and such other articles as may be necessary for the use of said Court ; he to be accountable for the expenditure of the same.

XX.

Resolve on the petition of James and Sophia Prentiss. June 21, 1806.

On petition of James Prentiss and Sophia, wife of said James, and administratrix on the estate of her late husband Leonard Mellen, deceased,

deceased, setting forth that said Mellen was interested with others therein mentioned, in a certain township of Land, being No. 4, in the fifth range of township lying between Kennebeck and Penobscot rivers, and that certain settlers thereon, are equitably entitled to certain grants out of the same :

Resolved, That for the reasons set forth in said petition, and for quieting said settlers, said petitioners as representatives of the estate of said Mellen, be and are hereby empowered to join with said other proprietors of said township, in a grant to certain of said settlers, of a portion of said land not exceeding six hundred acres, for a full and adequate price to be paid therefor, and to give a good and valid deed thereof ; and that the proceeds of said sale be applied to the use and benefit of the estate and effects of said Mellen, and those interested therein, and be accounted for, by said petitioners, in the same way and manner as the personal estate of said Mellen ought by law to be accounted for.

XXI.

Resolve authorizing John Leverett, of Vermont, to sell land in Boston, belonging to minors. June 23, 1806.

On the petition of John Leverett, Esq. of Windsor, in the county of Windsor and state of Vermont, parent and guardian of John Leverett the 3d, Thomas Leverett and Hannah Leverett, children and minors of him the said John, praying that he the said John may be licensed to sell the real estate of said minors, situated in the town of Boston, in the county of Suffolk, bounded as in said petition is at large set forth.

Resolved for reasons set forth in said petition, that said John Leverett, parent and guardian aforesaid, be and hereby is authorized to sell said estate at private sale, for the most the same will bring, and to make and execute a good and sufficient deed or deeds of the same, he the said John first giving bonds with sufficient surety or sureties, to the Judge of Probate for the County of Suffolk, in such sum as said Judge shall direct, conditioned that he will act faithfully and impartially in all things touching the same, and will account for the proceeds of the sale thereof as the law in such cases provides.

XXII.

Resolve authorizing William Saville to convey certain land to Benjamin K. Hough. June 23, 1806.

On the petition of William Saville, administrator of Estate of James Saville, late of Boston, in the county of Suffolk, merchant, deceased, praying for authority to convey to Benjamin K. Hough, the

the moiety of certain land according to the promise of said deceased in writing, he having received the full consideration therefor ;

Resolved, That the prayer thereof be granted, and that said administrator be and he is hereby authorized to convey to said Benjamin K. Hough, and his heirs, the said moiety of land, described in said petition and in the deed therein referred to : said deed made on the seventh day of September, eighteen hundred and three, and duly recorded in the registry of deeds in the County of Essex, by Daniel Epes Procter, to James Saville, in like manner as said deceased could have done if living.

XXIII.

Resolve granting a Tax to the County of Middlesex.
June 23, 1806.

Whereas the Treasurer of the County of Middlesex, has laid his accounts before the General Court for examination, in the manner prescribed by law, which accounts have been examined and allowed ; and whereas the Clerk of the Court of General Sessions of the Peace, for the said County of Middlesex has exhibited an estimate made by the said Court, of the necessary charges which may probably arise within the said county of Middlesex, for the year ensuing, amounting to five thousand five hundred dollars :

Resolved, That the sum of five thousand five hundred dollars, be and hereby is granted, as a tax for the said county of Middlesex, for the ensuing year, to be apportioned, assessed, paid, collected, and applied for the purposes aforesaid, according to law.

XXIV.

Resolve authorizing Henry Hunter to sell land of Charles Porter,
in Newton. June 23, 1806.

On the petition of Henry Hunter, administrator of the estate of Charles Porter, late of Boston in the county of Suffolk, trader, deceased, praying for authority, to convey to William Hoogs a house and land in Newton according to the promise of said deceased in writing.

Resolved, That the prayer thereof be granted and that said administrator be, and he is hereby authorized to convey to said Hoogs and his heirs by deed of quit claim all the title and estate of which said Charles died seized in, and to the house and land described in said petition and in the conveyances therein referred to. Viz. a tract of land lying in said Newton, containing one acre, bounded north-
easterly in the county of Middlesex on the county road ; easterly by
land

land of Silas and Seth Ross, southerly on Charles River, and westerly, on land lately owned by Stephen Crane: together with the buildings thereon.

XXV.

Resolve on the Attorney General's account for paying a balance of twenty-four dollars eleven cents, and advancing him two hundred and forty dollars to prosecute civil suits. June 23, 1806.

Resolved, That there be paid out of the Treasury of this Commonwealth, to the Honorable James Sullivan, Esquire, the sum of twenty-four dollars and eleven cents, in full of the balance of his account, exhibited to this date; and that there be paid to him, out of the said Treasury, the further sum of two hundred and forty dollars, to be accounted for by him in the prosecution of civil suits.

XXVI.

Resolve establishing the pay of the Clerks in the Secretary's office. June 23, 1806.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the first Clerk in the Secretary's office, three dollars and eighty-four cents per day, to the other two Clerks in the said office, three dollars per day, each, during the time they have been, or may be, employed in said service, from the first day of June instant, until the first day of June, eighteen hundred and seven.

XXVII.

Resolve establishing the pay of the Clerks in the Treasurer's Office. June 23, 1806.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the respective Clerks employed in said Office for the time being, three dollars and eighty-four cents for each day they may be employed in said office, from the first day of June instant, to the first day of June, one thousand eight hundred and seven.

XXVIII.

Resolve requesting the Governor to cause to be erected a sea wall, and a well to be dug at the State Prison, if necessary. June 23, 1806.

Resolved, That his Excellency the Governor, by and with the advice of Council, be and hereby is requested, if upon examination it should appear to be expedient, to order a Sea Wall to be erected

ed upon the land appurtenant to the State Prison in Charlestown, of such materials and dimensions as the public interest may require; and also to order a suitable Well to be dug in the yard of said Prison; and to issue his warrants on the Treasury for the sums necessary to defray the expense of the same.

XXIX.

Resolve on the Petition of Leonard Jarvis. June 23, 1806.

Upon the petition of Leonard Jarvis, stating that he is indebted to this Commonwealth a sum of money, for which judgment and execution have been obtained against him, and that if the execution be served on his body it will be extremely injurious to himself and family, and of no advantage to this Commonwealth, and that certain lands situated in the towns of Penobscot, Surry and Elsworth are mortgaged to the Commonwealth to secure the payment of said debt, which said lands might be sold by said Jarvis greatly to his advantage, and in a manner to insure to the Commonwealth the speedy payment of the debt aforesaid, with interest thereon; wherefore the said Jarvis prays that the said execution may be staid, and the Treasurer be authorized to relinquish to the purchasers of said lands the claim of the Commonwealth upon the payment of an adequate consideration into the Treasury;

It is hereby resolved, That the Treasurer of this Commonwealth be hereby authorized and directed to suspend, for the term of three years from the passing of this Resolve, the service of any execution which the Commonwealth has, or is entitled to, on account of the debt aforesaid.

Be it further resolved, That upon the sale of any part or parcel of the land mortgaged to the Commonwealth, as above mentioned by the said Leonard Jarvis, and upon the payment into the Treasury by said Jarvis or his grantee of the amount of the land so sold by said Jarvis, it shall be lawful for the Treasurer, and he is hereby authorized and empowered, to relinquish to said Jarvis or his grantee, any parcel or parcels of land for which the amount of the sales and interest thereon has been so paid into the Treasury: *Provided*, that all such sales shall be approbated by Mason Shaw, Esq. Sheriff of the County of Hancock; and the said Jarvis or his grantee shall produce and deliver to the Treasurer a Certificate of such approbation.

XXX.

XXX.

Resolve for the pay of the Clerks of the Senate and House.
June 23, 1806.

Resolved, That there be allowed and paid out of the public Treasury to John D. Dunbar, Esq. Clerk of the Senate, and to Charles P. Sumner, Esq. Clerk of the House of Representatives, one hundred and fifty dollars each, in full for their services aforesaid the present Session; and to George E. Vaughan, Esq. Assistant Clerk of the Senate, one hundred dollars, and to Thomas Walcutt, Assistant Clerk of the House of Representatives, one hundred dollars, in full for their services respectively, the present session of the General Court.

XXXI.

Resolve authorizing the Secretary and Treasurer to lease the Province House. June 23, 1806.

Resolved, That the Secretary and Treasurer of this Commonwealth be, and they are hereby authorized and directed, to lease out the Province House, and its appurtenances, for the term of one year, in such way and manner, as in their wisdom and discretion shall best subserve the interest of said Commonwealth.

XXXII.

Resolve directing Edward McLane, to pay the fees he has received during Secretary Avery's sickness, into the public Treasury.
June 24, 1806.

Whereas it is represented to this Court, that the sum of ninety-five dollars and eighty-five cents have been paid into the office of the Secretary of this Commonwealth, since the sickness of John Avery, Esq. which sum is in the hands of Edward McLane, one of the Clerks in said office; Therefore

Resolved, That the said Edward McLane be, and hereby is authorized and directed, to pay over the aforesaid sum to the Treasurer of the Commonwealth, and his receipt shall be a sufficient discharge therefor.

XXXIII.

Resolve granting twenty-five dollars to Daniel Cowing, for extra service. June 24, 1806.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, the sum of twenty-five dollars to Daniel Cowing, for extra services in his attendance on the General Court

Court the present session, during the sickness of the messenger, and that his Excellency the Governor be requested to grant a warrant on the Treasury accordingly.

XXXIV.

Resolve granting to Edward McLane One hundred and fifty dollars. June 24, 1806.

Resolved, That the sum of one hundred and fifty dollars be paid to Edward McLane, who, during the sickness of the late Secretary of this Commonwealth, discharged the duties of his department, as a consideration in full for said McLane's services, which sum shall be in addition to his usual allowance as Clerk in said office, and that his Excellency the Governor be authorized to issue his warrant on the Treasury for that sum in favor of said McLane.

XXXV.

Resolve directing the Committee on Eastern Lands to ascertain Possessors of Land on Mount Desert, on the 23d of June, 1805. June 24, 1806.

Whereas by a Resolve, passed the Legislature of this Commonwealth June 23d, in the year of our Lord seventeen hundred and eighty-five, it was resolved that one moiety or half part of the Island of Mount Desert, in quantity and quality, should be granted, and from the passing of said resolve should enure to John Bernard, his heirs and assigns forever, to hold in fee simple: *Provided always,* that the said John should convey to each person at that time in possession of Lands, which might by a division of the aforesaid Island, be assigned to said John such quantity thereof and upon such terms, as the Committee appointed by a resolve of the General Court, passed October 28th, 1783, should direct, within eighteen months from the passing of said resolve: and whereas the aforesaid Committee did not at any time direct the quantity and terms upon which the said land should be conveyed to the said persons:

Therefore resolved, that the Committee for the sale of Eastern Lands be, and they hereby are authorized, to ascertain the persons who on the said twenty-third of June, in the year 1785, were in possession of any lands on said Island of Mount Desert, and to direct and designate the quantity of land to which such persons, their heirs or assigns, as were at that time in possession, shall be entitled, and the terms on which they shall be quieted in their possessions, according to the intent of said recited resolve; and the doings of the said Committee on Eastern lands,

shall

shall be valid to all intents and purposes, with respect to the premises, as if the same had been done by the Committee appointed by said recited resolve; and upon compliance with the terms which may be prescribed by said Committee on Eastern lands within twelve months from this date, the said settlers, their heirs and assigns shall be entitled to their conveyances from said John Bernard, his heirs or assigns,

XXXVI.

Resolve appointing a Committee to procure additions to the Library of the House of Representatives, and appropriating three hundred dollars. June 24, 1806.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, the sum of three hundred dollars, for the purpose of making additions to the Library of the House of Representatives, to Perez Morton, Joseph Story and Benjamin Whitman, who shall be a committee to receive the said money, and who shall superintend the selection of the books for this purpose, and account therefor to the House of Representatives,

XXXVII.

Resolve for paying the Committee on Accounts. June 24, 1806.

Resolved, That there be allowed and paid out of the public Treasury, to the Committee appointed to examine and pass on Accounts presented against the Commonwealth, for their attendance on that service, during the present Session, the sums annexed to their names, respectively, in addition to their pay as members of the Legislature, viz.

To the Hon. Thomas Hale, Esq. thirteen days, 13 dollars.

Hon. John Farley, Esq. thirteen days, 13 dollars.

To William Young, Esq. thirteen days, 13 dollars.

David Perry, jun. Esq. thirteen days, 13 dollars.

Joseph Titcomb, Esq. thirteen days, 13 dollars.

which sums shall be in full for their services aforesaid.

XXXVIII.

Resolve granting to the Secretary and Treasurer eight hundred dollars each, in part of the Salaries that may be established for them. June 24, 1806.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the Secretary and Treasurer, eight hundred dollars each, to be accounted for by them towards the sum that shall be granted them for their salaries the present year; and his Excellency the Governor is authorized, by and with the advice of the Council, to draw his warrant on the Treasury therefor.

XXXIX.

Roll No. 55. June 1806.

THE Committee on accounts, having examined the several accounts they now present,

REPORT, That there are due to the corporations and persons hereafter mentioned, the sums set to their names respectively, which, when allowed and paid, will be in full discharge of the said accounts to the several dates therein mentioned.

Which is respectfully submitted,

THOMAS HALE, *per order.*

Pauper Accounts.

D. C.

Town of Abington, for supporting Margaret Benner, to 12th May, 1806,	17 10
Town of Adairis, for boarding and clothing Cathrine, an Indian, Susannah Camp, and Freeman Blakeley, to 22d May, 1806,	60 90
Town of Andover, for boarding, cloathing and doctoring John Sanders, to 11th January, 1805,	129 12
Town of Amesbury, for boarding and cloathing Jonathan Sidwell, to 18th May, 1806, and Susannah Collins, to the time of sending her out of the State,	77 63
Town of Ashburnham, for boarding and cloathing and doctoring John Franklin to the time of his death, in- cluding funeral charges, and Mrs. Franklin, to the 26th May, 1806,	123 53
Attleborough, for supporting and doctoring James Jew- ell, to 13th November, 1805,	13 30
Boxborough, for boarding and clothing John M'Coy, and John Kennedy, to 28th May, 1806; including Doc- tors Bills,	67 62
Boothbay, for boarding, cloathing, nursing and doctoring John Haskins, to the time of his death,	136 00
Barre, for boarding and cloathing John C. Dandrich, to 23d May, 1806,	20 00
Boston, for boarding and cloathing sundry paupers, in- cluding funeral charges, to 1st June, 1806,	4324 12
Bridgewater, for boarding, cloathing and doctoring Hen- ry Ash, Benjamin Palmer, and William Blakeley, to 18th June, 1806,	103 22
Cheshire, for boarding and cloathing Ephraim Richard- son, to 23d May, 1806,	66 37
Coleraine, for boarding, clothing and doctoring, William Wilson, and Rachel Carr, to 21st May, 1806,	88 79
Concord, for boarding and clothing, William Shaw, to 9th June, 1806.	26 00

Cambridge, for boarding and doctoring, Keziah Powers, to 17th June, 1806,	25 90
Charlemont, for boarding, clothing, and doctoring, Abraham Bass, to 23d May, 1806.	40 39
Cape-Elizabeth; for boarding, James Ramsbottom, and James G. Hays, to 8th May, 1806, and supplies to Abraham Birks, to same time,	65 47
Dartmouth, for boarding and clothing, John Quanawill, to 7th May, 1806,	114 25
Dunstable; for boarding and clothing, Margaret Lane, to 4th June, 1806,	19 00
District of Dover, for boarding and nursing, Patrick Cowin, to 10th June, 1806,	29 60
Deblois George; keeper of the Alms House in Boston, to 1st June, 1806,	301 76
Dagget Samuel, keeper of the Goal in Dedham, for boarding and clothing, James Hatchell, a vagrant, confined in Goal, to 13th June, 1806,	102 36
Florida, for supporting a child of Amos Eldridge, to 2d January, 1806,	12 06
Grafton, for boarding and clothing James Cook, to 2d June, 1806,	30 00
Georgetown, for boarding, clothing, and doctoring Theophilus Hardy, to the time of his death, and funeral charges,	94 20
Granville, for boarding and clothing, Thomas Williams and wife, to the time of her death, and said Thomas to 1st May, 1806, including funeral charges,	107 79
Gloucester, for boarding, clothing, and doctoring, sundry paupers, to 10th May, 1806,	1044 09
Granby, for boarding, clothing, and doctoring Ebenezer Darwin and John Murry, to 2d June, 1806,	67 55
Hadley, for supplies to Friday and wife, to 10th May, 1806,	18 00
Hancock, for boarding, clothing, and nursing, Prince, a negro; to the time of his death, including funeral charges,	103 60
Hartshorne Oliver, keeper of the Goal in Boston, for supporting sundry poor debtors, to 13th June, 1806,	66 00
Hodgkins Joseph, keeper of the house of correction, in Ipswich, for boarding and clothing, sundry paupers, to 7th June, 1806, including an allowance made by the Court of Sessions to 4th of April, 1806,	465 30
Hudson John, keeper of Goal in Salem, for dieting sundry paupers, confined in Goal, to the time they were discharged,	182 00

Longmeadow, for clothing and boarding, two children of William Melross, and supplies for John S. Spendler, and family to 18th of May, 1806,	44 18
Lenox, for boarding and clothing, Christian Crow, to the time of his death, and Abraham Palmer and child to 22d May, 1806, including funeral charges and doctors bills,	77 12
Leyden, for boarding, clothing and doctoring, Jedidiah Fuller and family, to 24th May, 1806,	59 47
Lanesborough, for boarding and clothing, Dent Harrison, to 31st May, 1806,	75 82
Leominster, for boarding, clothing and doctoring, John Harrison, to 23d May, 1806, and supplies to Joseph Hich, to the same time,	38 30
Medard S. Peter, for doctoring State paupers, in the Alms House in Boston, to 15th May, 1806,	400 00
Milton, for boarding, clothing, and doctoring, Thomas Webster, and John Murry, to 10th June, 1806,	67 80
Montague, for supporting Joshua Searle, to 1st May, 1806,	23 17
Medford, for boarding and doctoring Samuel Jones, to the time of his death, including funeral charges,	19 00
New-Bedford, for boarding and cloathing Patience Sanford and John Harris, to 23d May, 1806,	21 20
New Salem, for boarding and cloathing Olive Bedient's child, to 7th April, 1806,	31 50
Norton, for boarding and cloathing Joseph Pratt, to 23d May, 1806,	114 00
Newburyport, for boarding and cloathing sundry paupers, to 1st June, 1806,	761 42
Newbury, for boarding, cloathing and doctoring sundry paupers, to 1st June, 1806,	573 84
Orrington, for boarding and cloathing and doctoring Solomon Place to the time of his leaving the State,	150 45
Palmer, for boarding and cloathing and doctoring William Mendom to 23th May, 1806,	66 37
Portland, for boarding; cloathing and doctoring sundry paupers, including funeral charges, to 1st June, 1806,	830 19
Prospect, for boarding, nursing and doctoring Frederick Hayns, to the time of his death, including funeral charges, and Richard Moore, to the time of his going out of the Commonwealth,	43 12
Stockbridge, for boarding, cloathing and doctoring Diamond Elkas's children, and Andrew Kingsley, to 1st April, 1805,	112 83

Springfield, for boarding and cloathing John Cox, to 1st January, 1806,	65 71
Swansey, for boarding and cloathing Deborah Blinkins, Sally Robbins's child, and Manuel Dusnips, to 17th May, 1806,	45 09
Sheffield, for boarding, cloathing and nursing William Magee to 24th May, 1806,	70 80
Sandisfield, for supporting Barnabas Fuller to the time of sending him out of the State,	12 84
Scituate, for boarding, cloathing and doctoring Alice Bigsby to 1st May, 1806, and Mary Carlow to the time of her death, including funeral charges,	117 73
Sandwich, for boarding and nursing William Rue to 2d March, 1805,	6 75
Salem, for boarding sundry paupers to 2d June, 1806, including funeral charges,	787 75
South-Hadley, for the support of Peter Pendergrass to 6th April, 1806,	34 47
Troy for boarding, clothing, and doctoring Francis Brow to 21st February, 1806,	98 34
Topsfield, for supporting Thomas Comerford to 10th April, 1806,	18 00
Tisbury, for boarding and cloathing John Murray and John Small, to the time of their going out of the State,	34 83
Tyningham for boarding Frederick Smith to the 24th April, 1806,	19 60
Uxbridge, for boarding and cloathing Betty Trife, David Mitchel and Patience Hazard, to 31st May, 1806,	71 25
Vinalhaven, for boarding and cloathing William Proctor to 2d April, 1806,	72 78
Vassalborough, for boarding, cloathing and nursing James Lecester, to 1st May, 1806,	53 90
Windsor, for boarding and cloathing Henry Smith and wife, to April 1, 1806,	18 96
West-Springfield, for boarding and cloathing William Bell, Sarah Felt's child and Godfrey Waggoner, to 24th May, 1806, including doctors bills, also supplies for Cynthia Benton in her last sickness and funeral charges	68 35
Washington, for boarding and cloathing Phebe Clark, to 24th May, 1806,	59 00
Western, for boarding and cloathing Cato King, to 4th June, 1806,	22 00
Westborough, for boarding and clothing Sarah Cook, to 1st June, 1806,	125 00

Warwick, for boarding and cloathing John A. Lerow and wife, to 13th March, 1806, including funeral charges, and Samuel Griffith, to 2d June, 1806,	133 35
Williamstown, for boarding, cloathing and doctoring Rachel Galusha, Morrice Fowler, Stephen Bleu and Robert Morrill to 19th May 1806, and Enoch Simons to the time of his death, including funeral charges,	185 23
York, for boarding and cloathing Edward Perkins and wife, Mrs. Crocker, Jacob Bickum, Edward Voudy, Elizabeth Perkins and Nicholas Turtle, to 8th June, 1806,	98 43
Total pauper account,	13872 96

Military Accounts.

Brigade Majors, and Aid-de-Camps.

To Barzilla Gannett, for his services to 1st June, 1806,	28 36
To Summer Bastow, for his services to 24th May, 1806, and for furnishing blank warrants and notifications for the first Brigade, seventh Division,	57 75
Adjutants.	

To Willard Boyd, for his services, to 22d Nov. 1805,	16 90
To Moses Bullen, for his services, to June, 1806,	4 50
To Cyrus Keith, for his services, to June, 1806,	9 76
To Thomas Lothrop, for his services, to June, 1806,	13 45
To John Nye, for his services, to December, 1805,	9 26
To Abraham Ormsbe, for his services, to June, 1806,	15 50
To Daniel Osburne, for his services, to 20th Feb. 1806,	6 92
To Samuel Patridge, for his services, to June, 1806,	9 14
To Abel Phelps, for his services, to 3d June, 1806,	14 56
To Henry Sweet, for his services, to 26th Sept. 1805,	8 00
To the heirs of James Tyler, for his services, to the time of his death,	29 27
To Jonathan L. Tuttle, for his services, to June, 1806,	18 75
To Hazletine Taft, for his services, to June, 1806,	4 14
To Jason Ware, for his services, to the 9th June, 1806.	32 29

Expense Hauling Artillery.

To Thomas Danforth, the 2d. for horses hauling Arti- lery, to 1st October, 1805,	6 00
To Caleb Loring, for horses hauling Artillery, to 9th June, 1806,	40 00
To Cornelius Dillingham, for horses hauling Artillery, to 18th October, 1805,	5 00
To Noah Ford, for horses hauling Artillery, to October 1805,	5 00

RESOLVES, June 1806.

To David Cobb, for horses hauling Artillery, to March 1806,	36
To Oliver Johonnot, for horses hauling Artillery, to 7th May, 1805,	8 00
Total militia	378 55

Sheriff's Accounts.

To Simon Learned, for returning votes for Governor and Lieutenant-Governor, for 1806,	11 20
To Benjamin C. Cutler, for returning votes for Governor, and Lieut. Governor, for 1806,	00 88
To John Waite, for returning votes for Governor and Lieutenant Governor, for 1806,	10 40
To Joseph Hosmer, for returning votes for Governor and Lieutenant Governor, for 1806,	1 60
Total Sheriff's account.	24 08

Printers Account.

To Thomas and Andrews, for paper and printing blank warrants and notifications, for adjutant general, agreeable to contract,	336 00
To Peter Edes, for publishing Acts and Resolves to 6th June, 1806,	16 67
To John Dennio, for publishing Acts and Resolves, to 1st June, 1806,	16 67
To Adams and Rhoades, to publishing proclamation, &c., to 27th March, 1806,	11 00
To Phinehas Allen, for printing blank warrants and notifications, by order of adjutant general,	22 00
To Herman Mann, for publishing Acts and Resolves, to 1st June, 1806,	19 45
To Salmon and James Wilder, for printing blank warrants and notifications for second brigade of militia,	24 00
To Young & Minns, in full of their account for printing for the General Court, to 21st June, 1806,	1496 23
To Stephen Dewey, for procuring blank warrants and notifications,	22 00
Total Printers account,	1964 02

Convicts.

To Joseph Barrett, keeper of the gaol in Concord, for dieting sundry convicts to 17th June, 1806.	136 82
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Miscellaneous Accounts.

To William Brewer, for taking inquisition on, and burying the body of Peter Anthony.	15 14
To John Perry, for assisting the Messenger of the General Court the present session.	48 00
To Simon Willard, for cleaning clock in State-House, to 13th June, 1806.	5 00
To Josiah Wheeler, for materials and work done on the State-House to 27th May, 1806,	95 50
To Thomas Popkin, for materials and work on the State-House, to 10th June, 1806.	213 49
To Jonathan Jackson, for expences in Treasury-Office, to 7th February, 1806,	48 23
To Francis LeBaron Goodwin, agent for the Penobscot tribe of Indians, to 10th June, 1806.	60 00
To Jonathan Hastings, in full for postage of Public Letters, to 10th June, 1806.	88 37
To Sprague and Durant, for work done in the State-House, to 29th May, 1806.	41 00
To the Guardians of the Dudley Indians, due them in full to 23d May, 1806, viz. to Lemuel Corbin and John Healy \$76 31, and to Mark Dodge \$63 40, which sums the Treasurer is directed to charge to said Indians, to be deducted from the sum due to them from the Commonwealth.	139 71
To Charles Turner, jun. for one half his account of expences, in running the line between the Commonwealth's and Plymouth Company's Land.	158 40
To Sylvanus Lapham, for assisting the messenger of the General Court the present session.	52 00
To Jacob Kuhn, due him June 16, 1806, over and above the amount of three grants, made to him, viz. one June 15, 1805, for one thousand dolls. and one dated 19th Feb. 1806, for one hundred and fifty dolls. and one do. dated 14th March, 1806, for two hundred and five dolls. and forty-four cents, which he received for mortar, brick and stone, &c.	2 75
To John W. Folsom, for taking and burial of four dead bodies, to 14th November, 1805.	101 24

Total Miscellaneous account,

1068 83

RESOLVES, June 1806.

Aggregate of Roll No. 55, June 1806.

Expence of State Paupers	-	-	\$13872	96
Do. of Militia	-	-	578	55
Do. of Sheriff's	-	-	24	08
Do. of Printers	-	-	1964	02
Do. of Convicts	-	-	136	82
Do. of Miscellaneous	-	-	1068	83
			<hr/>	
			\$17445	26

RESOLVED, That there be allowed and paid out of the public treasury, to the several corporations and persons mentioned in this Roll, the sums set against such corporations and persons names respectively, amounting in the whole, to *seventeen thousand, four hundred and forty-five dollars, and twenty-six cents*, the same being in full discharge of the accounts and demands to which they refer.

RESOLVES

OF THE

GENERAL COURT

OF THE

Commonwealth of Massachusetts.

BEGAN AND HELD AT BOSTON, IN THE COUNTY OF SUFFOLK, ON WEDNESDAY, THE SEVENTH DAY OF JANUARY, ANNO DOMINI, ONE THOUSAND EIGHT HUNDRED AND SEVEN.



BOSTON:
PRINTED BY ADAMS AND RHOADES,
PRINTERS TO THE STATE,
1807.

SCOTTISH

THEATRE

BY JAMES HAMILTON

WITH A HISTORY OF THEATRICAL

ENTERTAINMENTS IN SCOTLAND

AND A HISTORY OF THEATRICAL

ENTERTAINMENTS IN ENGLAND

AND A HISTORY OF THEATRICAL

ENTERTAINMENTS IN IRELAND

AND A HISTORY OF THEATRICAL

ENTERTAINMENTS IN WALES

AND A HISTORY OF THEATRICAL

ENTERTAINMENTS IN THE BRITISH ISLES

AND A HISTORY OF THEATRICAL

ENTERTAINMENTS IN THE BRITISH ISLES

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ENTERTAINMENTS IN THE BRITISH ISLES

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ENTERTAINMENTS IN THE BRITISH ISLES

AND A HISTORY OF THEATRICAL

ENTERTAINMENTS IN THE BRITISH ISLES

RESOLVES,

OF THE GENERAL COURT OF MASSACHUSETTS,

PASSED AT THE SESSION BEGAN AND HELD AT BOSTON, ON WEDNESDAY,
THE SEVENTH DAY OF JANUARY, ANNO DOMINI 1807.

GOVERNOR'S SPEECH.

STATE HOUSE, THURSDAY, JANUARY 8.

At 12 o'clock, the Senate attended in the Representatives' Chamber, and His Excellency the Governor, accompanied by the Honorable Council, the Secretary of State, and the Sheriff of Suffolk, came in, and delivered the following

SPEECH:

GENTLEMEN OF THE SENATE, AND

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

THROUGH the favor of Providence, we are again assembled to perform those public services, to which we have been respectively deputed ; and we owe to the confidence which our constituents have reposed in us, our constant endeavors to employ the authority, with which we are entrusted, in promoting the honor and safety of the State, and the improvement and happiness of our fellow citizens. Permit me, Gentlemen, to assure you, that no care shall be wanting on my part to contribute, as far as possible, to the attainment of these essential objects.

The Board of Visitors of the State Prison have lately published an account of that Institution, containing the law of the State, providing for the regulation of the Prison ; the Rules prescribed by the Governor and Council, for its superintendence and management, in pursuance of the authority given them by law ; the orders established by the Board of Visitors, for the support and employment of the prisoners ; and a general view of the present state of the Prison. The Members of the Legislature will be furnished with copies of this publication. A particular statement will also be laid before the General Court, of the expenses and disbursements attending the establishment, the account of monies received, and of articles manufactured and sold ; and the amount of labor

and

THE GOVERNOR'S SPEECH.

and expense in each department, with the quantity and value of stock, tools, and materials on hand. From these documents, the Legislature will be fully informed of the manner in which the affairs of the Prison have been conducted, and will be able to point out any alterations which may have a tendency to promote the design of the institution,

The Agents appointed by an order of the two Houses, of the 20th of last June, to settle and adjust the accounts of the late Treasurer of the Commonwealth, and to transfer the books and property of the public in that office to the present Treasurer, have, accordingly, made a settlement, and, in compliance with the order, have reported a statement thereof to the Governor and Council, which will be laid before you by the Secretary.

He will also deliver you the annual return from the Adjutant General of the Militia of the Commonwealth; and the Quarter Master General's return of the ordnance and military stores belonging to this State.

You will perceive, by the Treasurer's accounts, which will be laid before you in a few days, that a vigilant and frugal administration of the public revenue is necessary, to defray the expenses of the Commonwealth, and discharge what remains due to its creditors. Notwithstanding the frequent reduction of our state debt, since the close of the war, in which it was incurred, it still amounts to eight hundred and fifty-six thousand dollars; the interest of which, at five per cent. has, for a number of years, been regularly paid. I think you will endeavor to provide for the redemption of the principal as soon as conveniently may be; and that you will be solicitous to effect this object without increasing the usual public taxes. The same account from the Treasury will exhibit the demands in favor of the Commonwealth, and the other means we possess of discharging the debt. Unless the creditors prefer a continuance of the loan, at the rate of interest to which they are now entitled, the policy as well as justice of delaying to make payment, whenever it is in our power to do it, may be doubted. A wise government will always consider probity and good faith in performing their engagements, as the most valuable treasure they possess, and the most certain resource in all the exigencies to which a community is exposed.

The strength of a republic consists in the mutual dependence and agreement of its several parts. A consciousness of their individual wants and weakness unites the members amongst themselves in the bond of common interest; and so long as a firm and sincere regard to the common good prevails, it renders the Republic invincible, and enables it to maintain its liberty and independence against all its enemies. If the State, while in this condition, is threatened

threatened with any injury from abroad, the private quarrels and party disputes of the citizens are suspended by the love of their country and the fear of common danger ; they immediately unite, and are eager to perform the duty of their respective functions.

It is evident, therefore, that the security of every free state depends on the virtues of the individuals who compose it, and every individual is concerned, and may be useful in promoting the general safety. Let it then, gentlemen, be our care to do all that is incumbent upon us. Let us attend to the organization and discipline of the Militia, so far as these duties are assigned to the several States. Let us guard against those divisions, and that foreign influence which have proved fatal to all other Republics. Let us endeavor to unite the people in friendship and mutual confidence ; and shew, by our example, the same moderation and candor, and the same reverence for the laws, which we expect from our fellow citizens ; and let us cheerfully contribute whatever the National Government may think necessary, for the protection of our commerce, and the complete defence of our territorial rights.

CALEB STRONG.

ANSWER OF THE HOUSE OF REPRESENTATIVES.

January 10, 1807.

MAY IT PLEASE YOUR EXCELLENCY,

IN convening again for the exercise of constitutional functions, the House of Representatives receive with satisfaction the address of your Excellency, and congratulate you on the general health and prosperity. Organized by the public will, and sustained by the public confidence, we feel the deep responsibility devolved on us, and proceed in our duties with mingled diffidence and zeal. We trust with a free and generous people the fair interpretation of our conduct, and are encouraged by the assurance, that the executive department will co-operate in measures, calculated to secure the dignity and happiness of the Commonwealth.

In a republican government, where the popular opinion is distinctly felt in every department, vigor and prudence in the exercise of its delegated powers can never be expected, unless union and candor prevail. In vain shall the arm of power be raised to crush domestic conspiracy, or repel foreign aggression, if the wisdom of the council be not seconded by the virtue of the citizen.

A zeal in defence of national rights, a reverence for civil authorities, and an honorable obedience to the laws, are the rudiments of real patriotism. They alone can ensure to us at home, harmony and happiness, and abroad, respectability and confidence; in peace, the undisturbed possession of liberty, reputation, and property, and in war, the successful defence of our families and our altars.

With these sentiments, we shall devote ourselves in concurrence with your Excellency, to the promotion of all measures necessary, in aid of the National Government to protect our lawful commerce, and territorial rights.

The various subjects, relative to the State Prison, the payment of the public debt, and the organization and discipline of the Militia, shall receive an early attention. Their intrinsic importance and the recommendation of your Excellency at the present moment, entitle them to the deliberate consideration of the Legislature.

ANSWER OF THE SENATE.

January 14, 1807.

MAY IT PLEASE YOUR EXCELLENCE,

GOVERNMENT being instituted for the common good; for the protection, safety, prosperity and happiness of the people, our constituents have a right to expect, that the authority with which they have entrusted us, should be employed in promoting these essential objects. In the discharge of this duty, the Senate receive with pleasure your Excellency's assurance of co-operation and support.

The State Prison being an institution intimately connected with the safety and happiness of the people, we shall promptly attend to such proposed alterations as may tend to promote its usefulness.

Strongly impressed with the importance of public credit, and establishing a confidence in the probity and good faith of the Commonwealth, we shall pay such attention to its fiscal concerns, as that interesting subject will at all times require.

The strength of a Republic consisting in the mutual dependence and agreement of its several parts, it becomes the duty of the Public Functionaries to cherish this important principle. Permit us to assure your Excellency, that nothing shall be wanting on our part to cultivate harmony, not only between the several

eral departments of our State Government, but also to promote it in all our relations to that of the Nation, and our Sister States.

The United States, placed at a great distance from the powerful nations of Europe, have wisely resolved to take no part in their contentions ; and, when united at home, can have little cause to fear either their force or influence. It is nevertheless the part of a wise government to guard against them. If, however, from the operation of the one or the other, our rights, commercial or territorial, are at any time menaced, the general CONFIDENCE which is placed in the wisdom, and integrity of the National Administration, is a safe pledge of that hearty assistance and co-operation, which will ensure their complete protection and defence.

}

RESOLVES.

I

*Resolve, regulating the Elections for Governor, Lieutenant Governor,
Senators and Counsellors, and for Representatives in Congress.*

Resolved, That the Secretary of the Commonwealth, be, and he is hereby directed to procure five thousand sets of copies of blank printed returns, proper to be used by Selectmen and Clerks of towns and districts, and by assessors of plantations in making out their returns of Votes for Governor and Lieutenant Governor, and also for Senators and Counsellors, and for Representatives in Congress, in a separate return, according to an act passed by the Legislature at the present session; and that he cause five sets of said blank printed returns to be forwarded to the clerk of each town or district, and to the Assessors of Plantations having a right by the Constitution, to give in their votes in the above elections, and that the said blanks be according to the following forms, viz.

At a legal meeting of the inhabitants of the town, [district, or plantation, as the case may be] of _____ in the County of _____ and Commonwealth of Massachusetts, qualified by the Constitution to vote for Governor and Lieutenant Governor, holden on the _____ day of April, being the first Monday of said month, in the year of our Lord, one thousand eight hundred and _____ for the purpose of giving in their votes for Governor and Lieutenant Governor of said Commonwealth. Votes for the following persons were given in, sorted, counted and recorded, and declaration thereof made, as by the Constitution is directed, viz.

For Governor,
For Lieutenant Governor,

{ Selectmen of

[or Assessors
of the Plan-
tation,] as the
case may be.

Town Clerk.

Attest.

At a legal meeting of the inhabitants of the town, [district or plantation,] as the case may be, of _____ in the County of _____ and Commonwealth of Massachusetts, qualified by the

RESOLVES, January 1807.

9

the Constitution, to vote for Senators and Counsellors, holden on the day of April, being the first Monday of said month, in the year of our Lord, one thousand, eight hundred and for the purpose of giving in their votes for Senators and Counsellors, for the district of . Votes for the following persons were given in, sorted, and counted, and record and declaration thereof made, as by the Constitution is directed, to wit,

For

{ Selectmen of

[or Assessors
of the Plantation] as the
case may be.

Attest.

Town Clerk.

At a legal meeting of the inhabitants of the town, [district, or plantation,] as the case may be, of in the County of and Commonwealth of Massachusetts, qualified by the Constitution to vote for Representatives in the General Court, holden on the day of being the first Monday of said month, in the year of our Lord, one thousand eight hundred and for the purpose of giving in their votes for a Representative of said Commonwealth, in the Congress of the United States, for the District. Votes for the following persons were given in, sorted, counted, and record and declaration thereof made, as by law is directed, to wit,

For

{ Selectmen of

[or Assessors
of the Plantation,] as the
case may be.

Attest.

Town Clerk.

And it is further resolved, That the Secretary of the Commonwealth, be, and he is hereby directed, to procure to be printed, one thousand copies of an act passed by the Legislature at the present session, entitled, "An act, in addition to the several acts for regulating elections," and cause two copies of the same to be forwarded with the aforesaid blank returns, to the clerk of each town or district, and to the Assessors of Plantations, having a right by the Constitution, to give in their votes in the above elections.

II.

Resolve, establishing the pay of the Council and General Court,
January 14, 1807.

Resolved, that there be allowed and paid out of the Treasury of this Commonwealth, to each of the members of the Council, Sen-

ate,

ate, and House of Representatives, Two Dollars per day, for each day's attendance, the present session ; and the like sum for every ten miles travel, from their respective places of abode, to the place of the session of the Legislature. *And be it further resolved,* that there be paid to the President of the Senate, and the Speaker of the House of Representatives, each Two Dollars per day for each and every day's attendance, over and above their pay as members.

III.

Resolve giving the Commonwealth's assent to the Worcester Turnpike Corporation, to locate their road through land assigned for a Gaol.

January 14, 1807.

Upon the petition of the Worcester Turnpike Corporation, accompanied with a copy of their petition to the Court of General Sessions of the Peace, in and for the County of Worcester, and the order of the said Court thereon ; by all which it appears, that the said County now hold the lot of Land, on which the Goal in said County stands, under the grant of this Commonwealth, "for the sole purpose of erecting and accommodating a Public Gaol in said County, so long as the same County shall maintain a public Gaol thereon;" and that the said Court have permitted the said Corporation to locate a Turnpike road over the said lot of Land, provided the Legislature of this Commonwealth consent thereto.

Resolved, that the said Corporation have the assent of the Commonwealth to the said permission ; and that the said Road may be located over the said lot of land, according to the permission of said Court, and that the said County shall incur no forfeiture thereby.

IV.

Resolve, authorizing Israel Jordan, jun. to execute a deed of land.

January 14, 1807.

On the Petition of Elisha Jordan, of Cape Elizabeth, in the County of Cumberland, praying for completion of his title to certain lands and estate in said town.

Whereas, Stephen Jordan, of said Cape Elizabeth, as Administrator on the estate of late father, Stephen Jordan, by virtue of a License from the Court of Common Pleas for said County, duly sold at Public Auction, on the second day of October, in the year of our Lord one thousand seven hundred and ninety-two, the real estate, late of said Stephen Jordan, intestate, for the payment of his debts and charges ; and which estate the said Elisha purchased at said Auction ; but the said Stephen, the said Administrator, died, before he gave any deed of the lands and estate so purchased, to said Elisha : And whereas, Israel Jordan, jun. of said town, has been appointed Administrator, *de bonis non*, on the estate

estate of the said Stephen Jordan, the intestate : And whereas said Elisha is willing to complete the payment for said lands, so purchased, on having a deed of the same, according to the terms of said purchase, and justice requiring that said Elisha should realize the benefit of his said contract :

Therefore Resolved, by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Israel Jordan, jun. in his said capacity, be, and he hereby is authorized and empowered to make and execute to said Elisha Jordan, a deed, conveying all the right and title which the said Stephen Jordan, intestate, had in said lands, or real estate, at the time of his death, upon payments being made to him, by said Elisha Jordan, of all the monies due on said contract, or the price at which the same lands and estate were sold at said Auction, to be accounted for by him according to law ; and such deed, so made by said Israel Jordan, jun. shall pass the same estate, and have the same effect in law, as though the same had been made and executed by said Stephen Jordan, the said Administrator, before his death, and in pursuance of the sale by him made as aforesaid.

V.

Resolve, granting William Gale, two hundred dollars, to purchase Fuel, and other articles. January 14, 1807.

Resolved, That there be allowed and paid out of the public Treasury of this Commonwealth, to William Gale, messenger to the Governor and Council, the sum of two hundred dollars, to enable him to purchase fuel, and other necessary articles, for the Council Chamber, and Secretary's Office, he to be accountable for the expenditure of the same.

VI.

Resolve, on the petition of Jason Bigelow. January 14, 1807.

On the petition of Jason Bigelow, guardian of Calvin Dean, of Brookfield, in the County of Worcester, an insane person :

Resolved, That the prayer of the petition be granted, and that the said Jason Bigelow be authorized and empowered, and he is hereby authorized and empowered to vest a sum of money, not exceeding one thousand and forty-one dollars, and eighty-seven cents, in real estate, in the name of and for the use of said Calvin Dean, taking care that the estate to be so purchased, be in such a situation, and under such circumstances, that the same may be improved towards the subsistence and comfort of the said Calvin Dean ; and the Judge of Probate, for the County of Worcester, be, and he is hereby authorized, on being satisfied that the said Jason Bigelow has complied with the object and intention of this

Resolve,

Resolve, to allow and pass to the credit of said Jason Bigelow, in the accounts of his guardianship of the estate of said Calvin Dean, such sum as he shall expend in the purchase of real estate, according to this Resolve.

VII.

Resolve, discharging the Committee appointed in June last, to purchase Books for the use of the House. January 15, 1807.

Resolved, That Perez Morton, Joseph Story, and Benjamin Whitman, Esquires, be, and hereby are discharged from the sum of three hundred dollars, granted and paid to them, by a Resolve of the General Court of the 24th of June last, for making additions to the Library of the House of Representatives, they having purchased one hundred and ten volumes, which cost two hundred ninety-eight dollars and eighty-six cents, and that said committee return the remaining balance of one dollar and fourteen cents to the Treasury of the Commonwealth.

VIII.

Resolve, on the petition of Charles W. Hare, directing the Committee on Eastern Lands to deliver certain deeds of lands sold to William Bingham. January 17, 1807.

On the petition of Charles W. Hare, acting Executor and Devisee in trust of William Bingham,

Resolved, for reasons set forth in said petition, that the agents for the sale of eastern lands, be, and hereby are authorized and directed, to deliver to the said Charles W. Hare, or to the legal representatives of William Bingham, all the deeds of lands sold by the said Commonwealth, to said Bingham, for which payment has been made ; and all the obligations of said Bingham, relative to said lands, and that the heirs and estate of said Bingham, be discharged from all demands relative to said lands : *Provided however,* that the said Hare, within six months from the passing of this Resolve, and before the delivery of the deeds and obligations, aforesaid, shall cause to be given to the Commonwealth, one or more sufficient bond or bonds, not exceeding five, in the whole number, and amounting in the whole, to the penalty of eighty thousand dollars ; which bonds shall be executed by persons resident within this Commonwealth, with sufficient surety or sureties, to the satisfaction of said agents, with condition that the obligors in each bond shall cause a proportionate number of settlers, amounting to twenty-five hundred, in the whole, to be placed on the tracts of land sold to said Bingham, including all that have already been placed thereon, (which last number shall be ascertained, to the satisfaction of said agents) within six years from the first day of June next,

next, or pay to the Commonwealth thirty dollars for each person that shall then be deficient, of the whole number: *Provided also,* that not less than one thousand of said settlers shall be placed on the tract called the Kennebeck tract.

IX.

Resolve for printing Laws. January 19, 1807.

Resolved, That Joseph Story, Edward St. Loe Livermore, and Holden Slocum, Esq'rs. be a committee in behalf of this Commonwealth, to contract with some person or persons for printing for the use of the Commonwealth, one thousand copies of the public and general laws of the late Colony and Province of Massachusetts Bay, or such parts thereof as they may deem proper, in a volume or volumes, which shall be bound and lettered, and shall conform in size with those published pursuant to a resolve of the General Court, passed the 28th day of February, in the year of our Lord, one thousand seven hundred and ninety-nine, and shall have proper indexes and marginal references.

X.

Resolve, appointing Mr. Jonathan Brownell, guardian to Indians, resident in Troy. January 21, 1807.

Upon the petition and representation of Jonathan Brownell, in behalf of Daniel Ward, an Indian, and other Indians, resident in the town of Troy, in the County of Bristol, that said Ward, and about forty other Indians, male and female, all living in said town of Troy, possess between two and three hundred acres of land within said town of Troy, and that the income of said land as managed at present, is incompetent to their support, that said Indians are at present in necessitous circumstances, and need the interposition of the General Court in their behalf.

Therefore Resolved, That Mr. Jonathan Brownell be appointed guardian to said Indians, with power to take care and provide for said Indians, and to improve said land for their use. And the said guardian shall have and possess like power over said Indians, and their said real and personal estate, and like powers over their persons and effects as guardians to minors, by law, now have over the persons, effects, and estates of their said wards, by virtue of an appointment of guardianship, by any Judge of Probate in this Commonwealth; and said guardian shall give bond with sufficient surety in the sum of two thousand dollars to the Judge of Probate, within and for the County of Bristol, before said guardian enters upon the execution of his said office, conditioned faithfully to execute,

ecute the duties of his said appointment, and to account annually to said Judge of Probate, for the proceeds of all the property of said Indians, together with all proceeds of labour of said Indians, which said Guardian may have received. And said guardian shall also be under oath faithfully to execute the said duties of his appointment aforesaid.

XI.

Resolve, granting Hon. Jonathan Jackson, Esq. late Treasurer, Eighty Seven Dollars and Sixty-Eight Cents. January 21, 1807.

Resolved, that there be allowed and paid out of the Treasury of this Commonwealth, to Jonathan Jackson, Esq. late Treasurer thereof, the sum of Eighty-Seven Dollars and Sixty-Eight Cents, in full compensation for sixteen days' service in the Treasury Office since the fourth day of June, now last past, and of all claim for services rendered in the said office of Treasurer.

XII.

Resolve, authorizing Sarah and Silas Whitcomb, of Bolton, to execute a Deed to Joseph Houghton, jun. January 21, 1807.

On the petition of Sarah Whitcomb and Silas Whitcomb, Administrators on the Estate of Afa Whitcomb, late of Bolton, in the County of Worcester, Esq. deceased, praying that they may be empowered to make and execute a deed of conveyance of a certain tract of Land, situate in said Bolton, and mentioned in said petition.

Resolved, for reasons set forth in said petition, that Sarah Whitcomb and Silas Whitcomb, Administrators as aforesaid, be, and they hereby are empowered, in their said capacity, to execute and deliver to Joseph Houghton, jun. of said Bolton, a Deed in fee simple, of all the right and title, which the said Afa Whitcomb, in his life time, had in and to fifteen acres and five rods of land, with the buildings thereon, now occupied by said Houghton, situate in the north-easterly part of said Bolton, and bounded westerly on land late Paul Sawyer's, deceased; south-westerly on land of Samuel Wheeler; south-easterly on land of Richard Whitcomb; easterly, north-easterly and northerly, on land of said Richard Whitcomb and Joel Whitcomb; he the said Joseph Houghton, jun. first having paid Three hundred and thirty-three Dollars and thirty-three Cents, as a consideration for said land; and that said deed executed as aforesaid shall be valid in law in the same manner as if made and executed by the said Afa in his life time.

Resolve,

XIII.

Resolve, on the petition of Silas Holman, authorizing Abraham Holman to execute a deed. January 21, 1807.

On the petition of Silas Holman, and Abraham Holman, Administrators of the estate of Abraham Holman, late of Bolton, in the County of Worcester, deceased, Abigail Holman, widow of said deceased, Jonathan Nurse, and Silas Whitcomb, Guardians of said deceased's minor children, praying that Abraham Holman, Administrator aforesaid, may be authorized to make and execute a deed of release to the aforesaid Silas Holman, of so much of certain lands lying in common and undivided, between the said Silas, and the heirs of said deceased, as has been set off to the said Silas, by Commissioners appointed by the Judge of Probate for the said County of Worcester, and in exchange therefor, to receive of the said Silas Holman, a deed of release to said heirs, of all said common and undivided lands set off by said Commissioners to said heirs :—

Resolved, For reasons set forth in said petition, that Abraham Holman, Administrator as aforesaid, be, and he is hereby authorized and empowered to make and execute a good and sufficient deed of release to the aforesaid Silas Holman, his heirs and assigns, of all the right and title holden by the heirs of said deceased, in and unto the lands set to the aforesaid Silas, by said Commissioners : *Provided*, the said Silas make and execute a good and sufficient deed of conveyance to the heirs of said deceased, their heirs and assigns, of all the right and title held by him, the said Silas, in and unto the lands set to said heirs as aforesaid, and that said deeds, executed as aforesaid, shall be valid in law.

XIV.

Resolve, on the petition of John Burns, and others, authorizing the Governor to raise a Light Infantry Company, in Gloucester. January 26, 1807.

On the petition of John Burns, and others, inhabitants of the fifth parish of Gloucester, in the County of Essex, praying for leave to raise a Light Infantry Company :

Resolved, That His Excellency the Governor, with the advice and consent of Council, be, and he is hereby authorized to raise, by voluntary enlistment, a company of Light Infantry, in the town of Gloucester, in the County of Essex, to be called by the name of *The Gloucester Light Infantry* : *Provided*, the standing Companies in said town, shall not be reduced below the number required

required by law ; and when so raised, to be annexed to the second regiment, first brigade and second division of the Militia of this Commonwealth, and shall be subject to all such rules, regulations and restrictions, as are, or may be provided by law, for the government of the Militia of this Commonwealth.

XV.

Resolve, granting Nathan Davis liberty to sell the real estate of Seth Braley, of New-Bedford. January 26, 1807.

On the petition of Nathan Davis, Guardian to Seth Braley, of New-Bedford, in the County of Bristol, a non compos mentis, praying liberty to sell the real estate of the said Seth Braley :

Resolved, For reasons set forth in said petition, that the said Nathan Davis, Guardian of the said Seth Braley, as aforesaid, be, and is hereby authorized and empowered to sell and convey by deed, in fee simple, all the real estate of the said Seth Braley, to any person or persons, who will offer the most therefor, at Public Auction, upon such terms and conditions, as the said Nathan Davis may think proper and consistent with the interest of said estate : *Provided*, that the said Nathan Davis first give bond, with sufficient sureties, to the Judge of Probate for the County of Bristol, for the proceeds of the sale thereof, conditioned that he will well and truly observe all the rules and regulations relative to the sale aforesaid, in the same way and manner as is provided by the laws of this Commonwealth, in cases where Guardians shall have been empowered by the Supreme Judicial Court, or by any Court of Common Pleas, to make sale of the real estate of their wards, for the payment of debts, or for their support.

X VI.

Resolve, on the petition of Jonathan Rhea, of New-Jersey, granting further time for settlement of No. 1, and No. 2, in tract of land called A, in the County of York. January 28, 1807.

On the petition of Jonathan Rhea, of the city of Trenton, in the State of New-Jersey :

Resolved, For reasons set forth in said petition, that a further time of six years from the first day of March next, be allowed to the said Rhea, his heirs and assigns, to settle twenty five families upon each of the townships No. one, and No. two, in that tract lying in the County of York, called the A, as the same was surveyed by Ephraim Ballard, in the year 1795.

And, that if the said Rhea, his heirs or assigns, shall, within said time settle the said number of families, including what may be already

ready there, on each of said townships, that then the estate, right, and title thereto of the said Rhea, his heirs and assigns, shall be as valid, full and effectual to all intents and purposes, as if the conditions of settlement expressed in the original deeds, given of said Township, by the committee appointed by the General Court to sell and convey the unappropriated lands in the District of Maine, had been fully and seasonably complied with. *Provided nevertheless,* that the said Rhea, shall, on or before the first day of October next, give bond to this Commonwealth, in the sum of two thousand dollars, with sufficient surety or sureties to the satisfaction of the agents for the sale of eastern lands, conditioned that the said number of twenty five families, shall, within the said term of six years be settled on each of said Townships.

XVIII.

Resolve, on the petition of Andrew McDowell and others, authorizing a Company of Light Infantry to be raised in Portland.

January 28, 1807.

On the petition of Andrew McDowell and others, inhabitants of the town of Portland, in the County of Cumberland, praying for leave to raise a Light Infantry Company,

Resolved, That his Excellency the Governor, with advice of Council, be, and he is hereby authorized, to raise by voluntary enlistment a company of Light Infantry in the town of Portland, in the County of Cumberland, to be called by the name of the Mechanic Blues; *Provided,* the standing companies in said town shall not be reduced below the number required by law; and when so raised, to be annexed to the first Regiment, second Brigade, and sixth Division of the Militia of this Commonwealth, and shall be subject to all such rules, regulations and restrictions, as are, or may be provided by law for the government of the Militia of this Commonwealth.

XIX.

Resolve, on the petition of John Hodgdon, granting further time for the settlement of two half Townships. January 29, 1807.

On the petition of John Hodgdon, a principal proprietor in the two half townships in the District of Maine, adjoining the British dominions, which were laid out in pursuance of Grants made to the Trustees of Groton Academy, and the Trustees of Westford Academy respectively, by a Resolve of the General Court, passed on the 27th day of February, in the year of our Lord, 1797.

Resolved,

Resolved, For reasons set forth in said petition, that a further time of six years from and after the first day of June next, be, and hereby is allowed to the proprietors of the said half townships to comply with the conditions of settlement, respecting the same, reserved and expressed in the grants thereof, and in the deeds of conveyance, made in pursuance of said grants respectively. And if the said proprietors shall, within the said time settle upon the said half townships respectively, the number of families in said grants and deeds expressed and required, that then the estate, right and title thereto of the said proprietors, their heirs, and assigns, shall be as valid, full and effectual, to all intents and purposes, as if the said conditions of settlement, had been fully and seasonably complied with : *Provided*, the said John Hodgdon, shall, on or before the first day of October next, give bond to this Commonwealth, in the sum of one thousand dollars, with sufficient surety or sureties, to the satisfaction of the Committee for the sale of eastern lands, conditioned that there shall be settled on the said half townships, the number of families expressed in the said original deeds, within the said term of six years.

XX.

Resolve, granting half a township of land to Monson Academy.
January 31, 1807.

On the petition of the Agents of the Trustees of the Monson Academy, that they may be endowed with a half township of land :

Resolved, For reasons set forth in said petition, that there be and hereby is granted to the Trustees of said Academy and to their successors forever, one half of a township of land of the contents of six miles square, out of any of the unappropriated lands in the district of Maine, excepting the ten townships lately purchased of the Penobscot Indians, to be laid out under the direction of the Agents for the sale of eastern lands, and in such place as they shall direct ; who are hereby authorized and directed to give a good and sufficient deed of the same to the said Trustees, subject to the usual reservations and conditions of settlement.

Provided also, That the Trustees of said Monson Academy shall cause the said half township to be surveyed and located, and a plan thereof returned into the land office, within the term of three years from the date of this Resolve.

Resolved,

XXI.

Resolve, on the petition of Mary Sigourney, authorizing the sale of certain real estate. January 31, 1807.

On the petition and representation of Mary Sigourney, of Boston, in the county of Suffolk, widow, and relict of Charles Sigourney, late of said Boston, merchant, deceased, in her own behalf, and also in behalf of certain children of said Charles Sigourney, deceased, and minors to whom she is guardian ; William Parsons, of said Boston, Merchant, in behalf of another child of said Charles Sigourney, deceased, a minor, to whom the said William Parsons, is guardian ; and Charles Sigourney of the city of Hartford, in the State of Connecticut, and Henry Sigourney, of said Boston, merchants, and children of said Charles Sigourney, deceased, stating, that by the last will and testament of the said Charles Sigourney, deceased, the said Mary is entitled to the use and improvement of a certain mortgage, with the appurtenances, situate in said Boston, and bounding on Green Street, so long as she remains his widow ; and that all the said children of the said Charles Sigourney, deceased, are entitled to the remainder thereof ; and for reasons set forth in said petition, praying that some suitable person may be appointed to sell and dispose of all the minors' interest in said premises.

Resolved, That the above named Henry Sigourney, be, and he is hereby authorized to sell and by good and sufficient deed or deeds duly acknowledged and recorded, to convey all the interest of the said minors in the said premises to any person or persons as he shall think for the best interest of the said minors : *Provided*, That the said Mary Sigourney, the widow, and the said two children of the said Charles Sigourney, who are now of full age, shall also convey to the same purchaser all their respective interests in said premises, and that the proceeds of the sale of the whole of said estate, shall be paid over to the said Henry Sigourney, to be disposed of as hereafter directed ; and *provided further*, that the said Henry Sigourney shall first give bond to the Judge of Probate, for the County of Suffolk, for the time being, and his successors in said office, in a sum and with sureties to the satisfaction of the said Judge, with condition that he will put out at interest on good security, or in such stocks or funds as he shall judge most for the advantage of all concerned, all such monies as he shall become possessed of in virtue of this resolve ; and that he, or his executors, or administrators, shall, from time to time, pay the whole interest or income thereof, to the said Mary Sigourney, so long as she remains the widow of the said Charles Sigourney, deceased, in like manner as she is now entitled by the will aforesaid, to the use and improvement

improvement of said real estate ; and that he the said Henry Sigourney, or his executors, or administrators, shall, immediately on the death or marriage of the said Mary Sigourney, whichever shall first happen, deliver over to the above named children of the said Charles Sigourney, or their legal representatives, their respective shares of the principal sum that shall come into his possession by virtue of this resolve, with all bonds, mortgages, and sureties whatsoever relating thereto, in like manner, and in the same proportions, as said children are by the will aforesaid entitled to, and interested in said real estate ; and further, that the said Henry Sigourney, and executors, or administrators, shall, at all times when reasonably required, render his and their just true accounts to all the parties concerned of all their doings in the premises.

XXI.

Resolve, for distributing the Laws, which are or may be printed by direction of the present General Court. January 31, 1807.

Resolved, That the editions of the laws of this Commonwealth, printed, or to be printed pursuant to a resolve passed the nineteenth day of June, in the year of our Lord, one thousand eight hundred and six, or pursuant to any resolve or resolves passed, or which shall be passed during the present session of the General Court of this Commonwealth, be distributed by the Secretary in the following manner, viz. To the clerk of each town or district, and to the assessors of each plantation within this Commonwealth which pays a State tax, one set for the use of such town, district or plantation ; to each County clerk of the Supreme Judicial Court, one set ; to each clerk of the Court of Common Pleas and General Sessions of the Peace, one set for the use of their respective Courts, within the several Counties ; to each Judge of the Supreme Judicial Court, one set ; to the Sheriff of each County, and to the Judges of Probate in the several Counties, one set each ; to the Attorney General, Solicitor General, Quarter Master General, and Adjutant General, one set each ; to the President of the United States, the Senate, and House of Representatives of the United States, and for Library in Congress, one set each ; to the Justices of the Supreme Court of the United States, and to the two district Judges in this State, one set each ; to the University of Cambridge, to Williamstown and Bowdoin Colleges, to the American Academy of Arts and Sciences, and to the Massachusetts Historical Society, one set each ; to his Excellency the Governor, to each member of the present honorable Council, to the President and each member of the present Senate, to the Speaker and each member of the present House of Representatives of this Commonwealth, one set each ;

each; to the Treasurer and Secretary of this Commonwealth, and to the Clerk of the Senate, and the Clerk of the House of Representatives, one set each.

And be it further resolved, That upon the death, resignation, or removal from office of either of the clerks of the aforesaid towns, or districts, or Courts of Law, Judges of Probate, Sheriff, Treasurer, Assessors of Plantations, Attorney General, Solicitor General, Adjutant General, and Quarter Master General, each of them respectively, his executors and administrators shall be held and obliged to deliver over the same set, which shall have been received, as afore provided, to his and their successor and successors in office, for the use of their respective offices.

XXII.

Resolve, appointing a Committee to contract for twelve hundred copies of Statute Laws, from 1780 to 1800, inclusive. Feb. 3, 1807.

Resolved, That Mr. Story, Mr. Sullivan, and Mr. Bangs, be a committee in behalf of this Commonwealth, to contract with any person or persons, for twelve hundred copies of a new edition of such laws of this Commonwealth as were published pursuant to a resolve passed the twenty-eighth day of February, in the year of our Lord, one thousand seven hundred and ninety nine. The said new edition to be comprised in two volumes, of size, type and paper, similar to those used in the former edition above mentioned, and together with proper indexes to be bound and lettered.

XXIII.

Resolve, granting Superintendent of State Prison, balance of his account. February 4, 1807.

The Committee, to whom was referred the accounts of Daniel Jackson, Esq. Superintendent of the State's Prison, have attended to that service, and beg leave to report, that they have examined the different charges in said accounts, with the vouchers that accompany the same, amounting to nineteen thousand, one hundred and thirty-seven dollars, and twenty-seven cents; which sum it appears has been expended in completing the building, finishing the apartments, and purchasing mechanic tools and materials, to employ the convicts, as follows:

	D.	C.
Sundry bills for furniture, stores, funnels, locks, carpenter and masons' work, and alarm bell, per bills,	1341	5
Wood, coal, provisions, stationery, &c. per bills,	5120	68
Amount of the salaries of officers,	4474	81
Paid in transporting prisoners,	383	57
Paid for apprehending prisoners, retaken,	399	58
Sundry bills for the food and clothing of the prisoners,	2594	7
Do. do. for stock and raw materials in blacksmith's department,	606	65
Do. stock, materials and tools, in foundry department,	2268	9
Do. do. do. shoe-maker's do.	922	51
Do. do. do. carpenter's do.	363	24
Do. do. do. tailor's do.	335	53
Medicine, and other supplies in hospital department,	213	46
Paid for books, and sundries, supplied by the Chaplain,	113	85
<hr/>		
Aggregate,	19,137	27
<hr/>		
To enable the Superintendent to discharge his duty, your Committee find that he has received, by war- rants on the Treasury, at different times,	17,880	25
That he received in cash, for work done by the con- victs,	770	77
Leaving a balance due to the Superintendent from the Commonwealth,	486	25
<hr/>		
19,137	27	

Your Committee beg leave further to report, that it appears by a Schedule, taken by the Superintendent, on the first of December last, that there were at that time, in and about the Prison, under his care, the following articles, belonging to the Commonwealth, viz.

Furniture, and other articles, necessary for the comfort of the convicts,	1627	19
Stores and furniture, as per list,	1997	11
153 screw augers, in warehouse,	52	56
Tools in the foundry, and blacksmith's department,	1287	20
Manufactured goods on hand,	796	91
Raw materials on hand,	1036	69
Debts outstanding,	765	93
Tools, &c. in shoe-maker's department,	88	71
Manufactured stock in do,	211	92
<hr/>		
Raw		

Raw materials on hand,	201	36
Sundry debts due,	424	13
Tools, &c. in carpenter's department,	53	18
Do. tailor and furrier's department,	15	25
In hospital department,	78	52
New clothing on hand,	169	39
	8806	5

That agreeable to the accounts exhibited by the Superintendent, including the materials on hand, as above stated, and the amount of the earnings of the convicts, there appears to be a balance against the State, in all the expenditures, for the first year, of 4295 dollars and 13 cents, which includes the expenses of transportation of the prisoners to the prison, the pay of the board of visitors, the officers, and incidental expenses; and that the prisoners have earned 3436 dollars and 88 cents, more than the expense of their support, in work done chiefly for the prison. And that the stock on hand, the first day of December last, is to be accounted for in his next settlement with the State.

The Committee of both Houses, to whom was referred the accounts of Daniel Jackson, Esq. Superintendent of the State Prison, for examination and adjustment, have attended that service, and ask leave to report, that they find his accounts well vouched, and rightly cast, as by the statement hereto annexed will appear, and we find there appears to be due to the said Superintendent, to balance his accounts with said Commonwealth, four hundred and eighty-six dollars and twenty-five cents.

JOSIAH DEAN, *per order.*

Wherefore, *Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, to Daniel Jackson, Esq. Superintendent of the State's Prison, the sum of four hundred and eighty-six dollars and twenty-five cents, which shall be in full for the balance of his accounts. And His Excellency the Governor, by and with advice of Council, is hereby authorized to issue his warrant for the same, accordingly.

XXIV.

Resolve, directing Jacob Kuhn, to procure Book Cases, for the Library of the House. February 5, 1807.

Resolved, That Jacob Kuhn, be, and he hereby is directed to procure proper Book Cases, to be placed in the room, in the State House, called the Land Office, to contain Books purchased for the Library of each House of the Legislature; and exhibit his account.

Resolve,

XXV.

Resolve, for raising a company of Cavalry, in Col. Sherwin's Regiment, in 8th Division. February 5, 1807.

On the petition of Amos Barton, and others, inhabitants, living within the limits of the second regiment, second brigade, and eighth division of the Militia of the Commonwealth, praying leave to raise a company of Cavalry :

Resolved, That His Excellency the Governor, with the advice of Council, be, and he is hereby authorized to raise, by voluntary enlistment, a company of Cavalry within said regiment : *Provided*, the standing companies in said regiment, shall not be reduced below the number required by law ; and when so raised, to be annexed to the squadron of Cavalry in said second brigade, in the 8th division of the Militia in this Commonwealth, and shall be subject to all such rules and regulations, and restrictions, as are or may be provided by law, for the government of the Militia of this Commonwealth.

XXVI.

Resolve, empowering Assessors of Rochester, to commit an assessment list, for the use of the first School District in Sippean Quarter, to the Collector for said town. February 5, 1807.

On the petition of the committee of the first school district, in Sippean Quarter, in the town of Rochester, praying that the Assessors of the town of Rochester, may be empowered to commit a tax, made June 11th, 1804, for the use of said school district, and which is collected in part only, to the Collector of Taxes, in the town of Rochester, for the time being :

Resolved, For reasons set forth in said petition, the Assessors of the town of Rochester, be, and hereby are empowered to commit said list of assessment to the Collector of Taxes, for said town, the present year, with a warrant, in due form of law, to enforce the collection of the same.

XXVII.

Resolve, respecting Penobscot Indians....appointing Heratio G. Balch, Esq. Superintendent. February 5, 1807.

It appearing to this Legislature, that further provision ought to be made by law, for the preservation of the land and timber belonging to the Commonwealth, upon and adjoining Penobscot river—

Resolved,

Resolved, That the Resolve passed the 18th of June, A. D. 1802, making provision for the preservation of the said land and timber, and giving to Francis L. Goodwin, Esq. certain powers for that purpose, be, and the same is hereby repealed; and that the said Francis L. Goodwin, Esq. the present Agent and Superintendent of Indian Affairs, for the Penobscot tribe of Indians, be, and he is hereby dismissed and discharged from any further service.

Resolved, That Horatio G. Balch, Esq. be, and he hereby is appointed Superintendent of Indian Affairs, for the said Penobscot tribe, whose duty it shall be to receive and divide the corn, and other articles, to be furnished by the Quarter Master General, annually, for said tribe of Indians, to assist them in collecting their just dues, and as far as may be, to prevent fraud and impositions upon them, in any of their dealings and transactions; and to render to the General Court, yearly, a true account of his doings.

Resolved, That all contracts made with said Indians for timber or wood, shall be utterly void, and that any person who shall cut, or fell, move or cause to be removed, any timber or wood, standing, growing, or being on any of the lands upon or adjoining the said Penobscot river, and belonging to the Commonwealth, shall forfeit and pay treble the value of said timber or wood, so cut, fell, or removed, to be recovered in an action or actions of trespass, in any Court proper to try the same; and it shall be the duty of the said Superintendent to give seasonable information of any trespasses upon the aforesaid lands, or any offences against the provisions of this Resolve, to the Attorney or Solicitor General, who are hereby directed to prosecute for and recover all penalties and forfeitures which may accrue, by virtue of this Resolve.

XXVIII.

Resolve, granting further time for old Soldiers to make settlement on land granted to them. February 6, 1807.

Resolved, That a further time of three years, from the fifth day of March next, be, and hereby is allowed for the soldiers, who have proved their claims to two hundred acres of land, in the township of Mars-Hill, pursuant to a Resolve of the fifth of March, 1801, and selected and taken certificates of their lots, or who shall select and obtain certificates of lots in said township, conformably to the several Resolves respecting the same, to make the settlement and cultivation required of them, by the aforesaid Resolve, of the fifth of March, 1801, and if any soldier who has or shall hereafter obtain a certificate of a lot, in said Mars-Hill township, shall make the cultivation and settlement thereon, required by the

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aforesaid Resolve, of the fifth of March, 1801, within the term of three years from the fifth day of March next, he shall be entitled to a deed of his lot, the said Resolve, of the fifth of March, 1801, to the contrary notwithstanding.

XXIX.

Resolve, on the petition of Lemuel Petts, of Townsend.
February 10, 1807.

On the petition of Lemuel Petts, of Townsend, in the County of Middlesex, praying that this Commonwealth would defend him in a certain suit brought against him, and now depending in the Court of Common Pleas, in said County, by James Martin, to recover the possession of certain lands in said Townsend, which were conveyed by this Commonwealth to said Petts, with warranty—

Resolved, That the Attorney General of this Commonwealth, be, and he is hereby authorized and requested to appear in said suit, on behalf of said Commonwealth, to examine into the title of said Martin, whereon he finds his claim to the possession of said lands, and to defend against the said title and claim, if the said Attorney General shall think it expedient, and not otherwise.

And it is further Resolved, That the said Attorney General, be, and he is hereby authorized to substitute any other person or persons, to do and perform all or any of the foregoing matters and things in his stead, as he may find it to be necessary or convenient.

And it is further Resolved, That His Excellency the Governor, with the advice of Council, be, and he is hereby authorized and requested to draw his warrant on the Treasury of this Commonwealth, in favor of said Attorney General, for such sum of money as the said Attorney General may request, not exceeding fifty dollars, to enable him to defray the necessary expenses arising in the discharge and performance of the duties herein enjoined, said Attorney General to be accountable for the expenditure of said sum.

XXX.

Resolve, on the petition of Joseph Hewins, for a new State Note.
February 10, 1807.

On the petition of Joseph Hewins, praying that the Treasurer of this Commonwealth may be authorized to issue a new State Note, to replace one which has been lost by him :

Resolved,

Resolved, For reasons set forth in said petition, that the Treasurer of this Commonwealth, be, and he hereby is directed to issue a new State Note, in the name of the said Joseph Hewins, for ninety-nine dollars and thirty-nine cents, and to make such endorsements thereon for interests, as has been paid, said Joseph Hewins first giving bonds, with sufficient surety or sureties, to the Treasurer aforesaid, payable to him or his successor or successors, in that office, to indemnify this Commonwealth from any damages and costs which may arise from the renewal of said Note.

XXXI.

Resolve, on the petition of Sampson Woods, directing Attorney General to defend against suit of James Martin. February 10, 1807.

On petition of Sampson Woods, administrator on the estate of Henry Woods, late of Pepperell, in the County of Middlesex, Esq. deceased, praying for the assistance of this Commonwealth, in defence of certain suits brought by James Martin, to recover the possession of certain lands in Townsend, in said County, which were conveyed by this Commonwealth to the said Henry Woods, in his life time, with warranty :

Resolved, For reasons set forth in said petition, that the Attorney General of this Commonwealth, be, and he hereby is authorized to appear on behalf of said Commonwealth, in the suit now depending in the Court of Common Pleas, in the County of Middlesex, brought by the said James Martin, against Ebenezer Stone, Levi Sherwin, Zimri Sherwin, Abner Adams, and Sampson Woods, respectively, for the recovery of parts of said lands, conveyed to Henry Woods, as aforesaid, to examine into the title of the said James Martin to the same lands, and the said Attorney General is hereby further authorized and required, on behalf of this Commonwealth, to defend against the claim of said Martin, in said suits, if he shall think it expedient, and not otherwise; and to substitute any other person or persons, to do and transact the said business in his stead, or any matter or thing thereto appertaining, at his discretion.

And it is further resolved, That His Excellency the Governor, with the consent of the Honorable Council, be, and he hereby is authorized and requested to issue his warrant on the Treasury, for such sum, not exceeding one hundred dollars, as the said Attorney General shall apply for, to defray the necessary expenses of any of the services hereby required, for which sum the said Attorney General is to be accountable.

Resolve,

XXXII.

Resolve, for a Company of Light Infantry, to be raised in the third regiment, first brigade, tenth division, to be annexed to said regiment, provided the same can be raised, according to law. Feb. 10, 1807.

On the petition of Samuel Call, and others, praying for leave to raise a Light Infantry Company within the limits of the third regiment, first brigade, and tenth division—

Resolved, That His Excellency the Governor, with the consent of Council, be, and he hereby is authorized to raise, by voluntary enlistment, a company of Light Infantry, within the limits of the third regiment, first brigade, in the tenth division, to be annexed to the said regiment, and to be subject to such rules and regulations, as are or may be provided by law, for the government of the Militia of this Commonwealth.

XXXIII.

Resolve, authorizing the overseers of the poor, of the town of Florida, to provide for the children of Amos Elldridge. Feb. 10, 1807.

Resolved, That the overseers of the poor for the town of Florida, be, and they are hereby authorized to take the charge of, and provide for the minor children of Amos Elldridge, late of a place called Zoar, adjoining said Florida, who are now on expenses in said Zoar, and that they lay their accounts therefor before the committee on accounts for allowance; and that the said overseers be, and they hereby are authorized and empowered to bind out said children as apprentices or servants, in the same manner as overseers of poor are authorized to bind out children, who are supported in their respective towns at the expense of the Commonwealth, by virtue of a law passed February twenty six, seventeen hundred and ninety-four.

XXXIV.

Resolve, granting to the Attorney and Solicitor General, each twelve hundred dollars. February 11, 1807.

Resolved, That there be allowed and paid out of the public treasury to James Sullivan, Esq. Attorney General, and to Daniel Davis, Esq. Solicitor General, twelve hundred dollars each, in addition to their established salaries, being at the rate of three hundred dollars per annum, from the first day of March, 1803, to the first day of March, 1807.

Resolve,

XXXV.

Resolve, authorizing the Third Massachusetts Turnpike Corporation to remove their gate in Hinsdale. February 13, 1807.

On the petition of the Third Massachusetts Turnpike Corporation, praying to be authorized to move their gate in Hinsdale, to a place nearly where it formerly stood :—

Resolved, That the prayer of the said petition be granted, and the Directors of the said Corporation are hereby authorized to remove the said gate eastwardly to some convenient spot, not exceeding thirty five rods from the place where the said gate now stands.

XXXVI.

Resolve of a grant to the Minister who is to preach the Election Sermon. February 16, 1807.

Resolved, That the gentleman who shall preach the Election Sermon, on the last Wednesday of May next, shall be allowed and paid out of the Treasury of this Commonwealth, the sum of fifty dollars.

XXXVII.

Resolve, granting John Bosson, seven thousand eighteen dollars and eighty nine cents, for estate sold to him, but recovered by James Martin. February 17, 1807.

The Committee of both Houses appointed to take into consideration the petition of John Bosson, ask leave to report by way of Resolve.

Resolved, That if the said John Bosson shall produce to the Attorney General or Solicitor General of this Commonwealth within three months, such discharges and acquittance as in the opinion of said Attorney General or Solicitor General shall forever hereafter prevent any right of demand upon this Commonwealth, for any damage on account of the sale of the real estate as described in his petition, in any person or persons whomsoever, then the said John Bosson shall receive out of the Treasury of this Commonwealth, the sum of seven thousand and eighteen dollars and eighty-nine cents ; and the Governor of this Commonwealth is hereby authorized, by and with the advice of council, to issue his warrant for that sum accordingly.

Resolve,

XXXVIII.

Resolve, granting to Adjutant General Donnison, eight hundred and forty-four dollars for his services for the year one thousand eight hundred and six. February 17, 1807.

On the memorial of the Adjutant General, praying for an additional grant:—

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, the sum of eight hundred and forty-four dollars, in full for his services for the year 1806.

XXXIX.

Resolve, granting John Waterman twenty dollars. Feb. 18, 1807.

Resolved, That His Excellency the Governor, with the advice of Council, be, and he hereby is requested to issue his warrant to the Treasurer of this Commonwealth, for the sum of twenty dollars, in favor of John Waterman, agreeably to a resolve passed February 2, 1805.

XL.

Resolve, appointing commissioners to ascertain bounds of land purchased by the Commonwealth, on which to erect a State Prison. February 18, 1807.

Upon the petition and representation of James Merrill, John Baker, Samuel Jaques, and Matthew Skilton, stating, that they are owners of a lot of land, adjoining to the land owned by the Commonwealth of Massachusetts, in Charlestown, in the County of Middlesex, on which is erected the State's Prison, and that the bounds between the said land of the said Morrill and others, and the said land of said Commonwealth, are not ascertained and established; and praying that Commissioners on the part of this Commonwealth may be appointed, to ascertain and establish said bounds, and erect suitable monuments thereon. And it appearing to this Court that it would be expedient that said bounds should be ascertained and established, and suitable monuments thereon erected:—

Therefore Resolved, That Edward H. Robbins, and Jonathan Hunnewell, Esq's be commissioners on the part of this Commonwealth to repair to said place and ascertain and establish said bounds, and thereon erect and place such monuments as they may think proper, and make return of their doings as soon as may be, into the office of the Secretary of this Commonwealth, and the doings

doings of said Commissioners, so returned as aforesaid, shall be binding between this Commonwealth and said Morrill, Baker, Jaques, and Skilton, as it respects said bounds.

XLI.

Resolve, establishing the salary of the Secretary and Treasurer.
February 18, 1807.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to Thompson J. Skinner, Esq. Treasurer and Receiver General, twelve hundred dollars, which with the sum of eight hundred dollars allowed him by a resolve of the twenty-fourth day of June last, shall be in full for his services as Treasurer, for one year, ending the first day of June next; and that there be allowed and paid out of the treasury of this Commonwealth, to Jonathan L. Austin, Esq. Secretary of the Commonwealth, seven hundred dollars, which with the sum of eight hundred dollars allowed him by a resolve of the twenty-fourth day of June last, shall be in full for his services as Secretary for one year, ending the first day of June next, the said Secretary to account for all fees received in the Secretary's office, to be deducted from the said allowance.

XLII.

Resolve, on the petition of Rachel Gould, Administratrix of the estate of George Gould, late of Dedham. February 19, 1807.

On the petition of Rachel Gould, Administratrix of the goods and estate of George Gould, late of Dedham, in the County of Norfolk, Gentleman deceased, intestate:—

Resolved, That the Judge of Probate in and for said County of Norfolk, be authorized and empowered to administer to said Rachel Gould an oath, that she has duly complied with all the requisitions of law respecting the sale of real estate of deceased persons intestate; and also to take bonds of said Rachel Gould, for the due and faithfully accounting for the proceeds of the sale of such estate as she may have sold according to the licence mentioned in said petition, as is required by the laws, respecting the sale of real estate of persons deceased intestate, and that upon her giving bonds as aforesaid, and taking the oath in manner as heretofore prescribed, the real estate of said George Gould, in pursuance of the licence granted by the Supreme Judicial Court of Norfolk, at their term holden at Dedham, in said County of Norfolk, on the first Tuesday of October, in the year of our Lord, one thousand eight hundred and five, shall be valid, to all intents and purposes,

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as though the said Rachel Gould had given the bonds and taken the oath required by law previous to the making the sale aforesaid.

XLIII.

Resolve, on the petition of Joseph Blake, directing the Treasurer to execute a deed of a certain strip of land. Feb. 19, 1807.

On the petition of Joseph Blake, praying that some person may be authorized to transfer to him a certain small strip of land now owned by this Commonwealth:

Resolved, That the prayer of the petition of Joseph Blake, of Boston, bearing date the 27th of January last, be so far granted, as that the Treasurer of this Commonwealth, be empowered and he is hereby authorized and empowered to execute a quit claim deed of the Commonwealth to said Joseph Blake, of a small piece or strip of land, as described in said petition, for the consideration of one hundred and fifty dollars, together with the expenses which may arise in executing said transfer.

XLIV.

Resolve, discharging the Quarter Master General from ten thousand, five hundred and sixteen dollars, and fifty-two cents, and granting ten thousand five hundred dollars for the expenses of his department the ensuing year. Feb. 19, 1807.

The Committee of both Houses appointed to examine the accounts of the Quarter Master General of this Commonwealth, have attended to that duty, and find the accounts right cast and well vouch'd, and ask leave to report by a resolve:—

Resolved, That Amasa Davis, Esq. Quarter Master General, be, and hereby is discharged from the sum of ten thousand five hundred and sixteen dollars, fifty-two cents, which he expended, including his salary, office rent, and clerk hire, amounting to nine hundred dollars for one year, ending the seventeenth of January, one thousand eight hundred and seven, out of the sums he has received the last year, by warrants on the Treasurer, and that the balance of seventeen dollars and three cents due to him be carried to his credit in a new account.

Be it further resolved, That there be allowed and paid out of the Treasury, to the said Amasa Davis, Esq. the sum of ten thousand five hundred dollars for defraying the charges and the expenses of the Quarter Master General department, the present year, he to be accountable for the same.

Resolve,

XLV.

Resolve, for taking the sense of the inhabitants of the District of Maine, relative to a Separation from Massachusetts. Feb. 19, 1807.

Whereas the inhabitants of sixty-four towns in the District of Maine, did in the year 1803, petition the Legislature of this Commonwealth, to take such measures as they might deem wise and effectual, for obtaining the sense of the people of said District upon the question of forming the same into a separate State :—

Resolved therefore, That it shall be the duty of the Selectmen of the several towns, and of the Assessors of the several districts and plantations within said District of Maine to issue their warrants, requiring the inhabitants of said towns, districts and plantations respectively, who are qualified to vote in the choice of Representatives or Senators to the General Court, to assemble on the first Monday of April next, and give in their votes on the following question, to wit :—Shall the Senators and Representatives of the District of Maine, make application to the Legislature for their consent to a separation of the District of Maine from the Commonwealth of Massachusetts, and that the same may be erected into a State? And it shall be the duty of said Selectmen and Assessors to receive and certify the whole number of votes given in at said meetings, respectively by the voters qualified as aforesaid, for and against such separation; and it shall also be the duty of the said Selectmen and Assessors respectively, in the said meetings to make public declaration of the number of votes given in as aforesaid, and to attest, seal up and transmit certificates of the same, to the Secretary's office, on or before the second Wednesday of the first session of the next General Court, and the Secretary is hereby directed to forward as soon as may be, a copy of this resolve to the Selectmen of the several towns, and Assessors of the several districts and plantations, in the said District of Maine.

XLVI.

Resolve, on the petition of Thomas Cannel, directing the Agents on eastern lands to ascertain the quantity and value of a tract of land between Raymond and Standish, and sell the same to said Cannel.

Feb. 19, 1807.

On the petition of Thomas Cannel, praying for liberty to purchase a small tract of land lying between the towns of Raymond and Standish, in the County of Cumberland, and adjoining the waters of Sebago Pond :—

Resolved, That the Hon. John Read and William Smith, Esq'srs, agents of this Commonwealth upon the subject of Eastern lands, be, and they hereby are authorized and empowered, to ascertain

the quantity and value of the land belonging to this Commonwealth, between the towns aforesaid; and when so ascertained, to sell the same to said Thomas Cannel, or to any other person or persons who may apply for the same, for such sums and upon such conditions as to them shall appear just and reasonable.

XLVII.

Resolve, for County Taxes. February 20, 1807.

Whereas the Treasurers of the following Counties have laid their accounts before the General Court for examination, which accounts have been examined and allowed; and whereas the clerks of the Courts of General Sessions of the Peace, for the said counties have exhibited estimates, made by the said Courts of the necessary charges likely to arise within the said several Counties for the year ensuing, and of the sums necessary to discharge the debts of the said Counties:—

Resolved, That the sums annexed to the Counties contained in the following Schedules be, and the same are hereby granted as a tax for each County respectively, to be apportioned, assessed, paid, collected, and applied for the purposes aforesaid according to law.

	Dollars.
Suffolk,	25,000
Essex,	15,000
Barnstable,	2,300
Dukes County,	600
Worcester,	6,500
Berkshire,	3,000
Norfolk,	4,000
York,	4,375
Cumberland,	1,000
Lincoln,	6,050
Kennebeck,	3,236
Hancock,	3,726
Washington,	1,119

And it is further resolved, That one thousand dollars of the sum hereby ordered to be raised in the County of Lincoln, for the year ensuing, shall be appropriated for the purpose of purchasing a lot of land, whereon to erect a Goal at Wiscasset, for the said County of Lincoln.

Resolve,

XLVIII.

Resolve, granting the Superintendent of the State Prison, four thousand one hundred and eighty-eight dollars, in addition to balance of former appropriation. Feb. 21, 1807.

Resolved, That there be allowed and paid out of the Public Treasury, to Daniel Jackson, Esq. Superintendent of the State Prison, four thousand one hundred and eighty-eight dollars, in addition to one thousand one hundred and thirty-three dollars and forty-two cents, an undrawn balance of ten thousand dollars, provided by an act of the Legislature, passed March 14, 1806, to enable him the said superintendent to execute his contracts and defray the expenses of the said prison, he to be accountable for the same. And his Excellency the Governor with the advice of council, is requested to issue his warrant, for the first mentioned sum of four thousand one hundred and eighty-eight dollars accordingly.

XLIX.

Resolve, on the petition of John Peck, granting further time for payment of the amount of his guarantee for payment of a Georgia State Note. Feb. 21, 1807.

The Committee of both Houses, to whom was committed the petition of John Peck, praying for an extention of the time on his guarantee of a State note of the State of Georgia, passed to this Commonwealth in payment by said Peck; and also praying that the Treasurer may be directed to suspend the service of execution against said Peck of a Judgement which is now obtained against him, William Wetmore and William Tudor, on three several notes in the Supreme Court of the County of Suffolk, and due to this Commonwealth, ask leave to report by way of resolve, as follows:—

Resolved, That for reasons set forth in the petition of John Peck, the further time of three years be given to said Peck for the payment of the amount of his guarantee for the payment of a State Note of the State of Georgia, for five hundred pounds Georgia sterling money, dated the twenty-second day of March, A. D. 1785, with the interest due thereon, No. 105. And that the Treasurer be, and is hereby directed to deliver over to the said Peck the aforesaid State Note of the State of Georgia, upon the said Peck's paying the amount of said note and the interest due thereon, or giving good and sufficient security to the satisfaction of said Treasurer, for the payment of said State Note, and interest within the term aforesaid: *Provided however*, That said Peck, pay the costs which have arisen thereon.

And

And be it further resolved, That the Treasurer be, and hereby is directed to forbear to levy execution on said Peck, or his estate on the judgment obtained on the suit for the aforesaid three notes, signed by Peck, Wetmore and Tudor, until it shall appear that satisfaction for said judgment cannot be obtained against said Tudor, or his estate, to whom it appears the said Peck has satisfied and paid the amount thereof.

L.

Resolve, of Abel Chapin and others, authorizing the Judge of Probate for Hampshire, to appoint persons to act for minor heirs of Ephraim Chapin. February 21, 1807.

On the petition of Abel Chapin, Frederick Chapin, and Moses Chapin, of Springfield, in the County of Hampshire, executors of the last will and testament of Ephraim Chapin, the elder, late of said Springfield, deceased, and heirs at law of Jemima Chapin, deceased, wife of said Ephraim, praying that the Hon. Judge of Probate within and for the County of Hampshire, be authorized to appoint some suitable person to act in behalf of the minors and heirs of Ephraim Chapin, the younger, late of said Springfield, deceased, in completing the division of the real and personal estates of Ephraim Chapin, the elder, and Jemima his wife; and in their behalf make and execute deeds of the real estate set off to the other heirs.

i. For reasons set forth in the said petition, that the Hon. the Judge of Probate, within and for the County of Hampshire, be, and hereby is authorized to appoint some suitable person to act for and in behalf of the minors and heirs of Ephraim Chapin, the younger, in completing the division of the estates of Ephraim Chapin, the elder, and Jemima his wife, and that such person be, and hereby is authorized for and in behalf of said minors, to make, execute and deliver good and sufficient deed or deeds of release of the lands and estate, set off to the other heirs of said estate.

LI.

Resolve, on the petition of James Prentiss, authorizing him and his wife to execute deeds of land in township No. 4, to certain minors. February 21, 1807.

On the petition of James Prentiss, of Boston, merchant, and Sophia his wife, setting forth, that said Sophia is administratrix of the goods and estate of Leonard Mellen, late of Watertown, Esq. deceased, intestate, and that said Mellen was, at the time of his

his decease, interested in common and undivided, with certain persons therein named, in a certain township of land, marked *number four*, in the fifth range of townships, situated between the Kennebec and Penobscot rivers, and praying that they may be authorized and empowered to join the parties interested therein in dividing the same, and locating the share lately belonging to said Mellen, and to receive and give the necessary deeds of release and quit-claim for that purpose:—

Resolved, That said petitioners, as administrators of the estate of said Mellen, and guardians of his minor children, be, and they are hereby fully authorized and empowered, to settle and agree with the parties interested in said township, in dividing and locating their respective rights therein, and to receive good and sufficient deeds of release and quit-claim of such share thereof as said Mellen would have been entitled to hold, and to make and execute good and sufficient deeds of release and quit-claim to all and every person interested therein, of all parts of said township, other than said share: and whereas the said petitioners have further set forth that said Mellen in his lifetime, obligated himself by his memorandum in writing, not under seal, to convey two thousand acres of land, in said township, to Mary Ann Gardner and Sally Gardner, jointly, both minors, and likewise two thousand acres in said township to Nathaniel Gardner, a minor, and the respective guardians therein named of said minors, are ready to perform whatever conditions are to be performed on the part of said minors.

Be it further resolved, That said petitioners be, and they are fully authorized and empowered to make, and execute good and sufficient deeds of said respective quantities of land, in the township aforesaid, to said minors respectively, and that the titles thereby conveyed, shall be valid and effectual, to all intents, as if said deeds had been given by said Mellen in his life time.

LII.

Resolve, on the petition of Samuel A. Bradley, directing agents for the sale of eastern lands, to ascertain the quantity and quality of certain Gores, and sell the same. Feb. 21, 1807.

Upon the petition of Samuel A. Bradley,

Resolved, That the agents for the sale of eastern land, be, and they hereby are authorized and empowered to ascertain the quantity and quality of certain gores of land, lying south of Gilead, and west of Waterford in the County of Oxford, and to sell the same to the said Bradley, or any other person or persons, for such sum, and on such conditions, as they shall think just and reasonable.

And

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And it is further resolved, That the said agents are hereby authorized and empowered to cause an accurate survey to be made, of all the gores and plats of land, lying in the County of Oxford, belonging to the Commonwealth, which survey shall be returned into the land office as soon as may be after the same is completed.

LIII.

Resolve, on the petition of the Agents of Chesterville, directing the Committee on eastern lands to give a deed. Feb. 23, 1807.

Whereas, a resolve on the petition of the agents of Chesterville, for the survey of, and appropriating certain lots for public uses, passed March 7, 1805, doth not authorize any person or persons to give deeds of said lots agreeable to the true intent and meaning of said resolve,

Therefore, be it resolved, That John Read, and William Smith, Esq's, agents on the sale of eastern lands, be, and they are hereby authorized and empowered, to make and execute a deed or deeds to the said town of Chesterville, agreeable to the true intent and meaning of the resolve to which this is an addition.

LIV.

Resolve for paying the Chaplains and Clerks of both Houses, February 23, 1807.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the Rev. William Emerson, chaplain of the Senate, and to Rev. Thomas Baldwin, chaplain of the House of Representatives, the sum of sixty dollars respectively; to John D. Dunbar, Esq. Clerk of the Senate, and to Charles P. Sumner, Esq. Clerk of the House of Representatives, the sum of three hundred and fifteen dollars respectively; to George E. Vaughn, Esq. Assistant Clerk of the Senate, and Thomas Walcott, Assistant Clerk of the House of Representatives, the sum of two hundred dollars respectively; which, with the sums heretofore granted, shall be in full for their services as aforesaid, the present year.

LV.

Resolve, on the petition of Francis Butterfield, discharging him from a judgment for forfeiture of recognizance, on condition. February 23, 1807.

On the petition of Francis Butterfield, of Townsend, in the County of Middlesex, shewing, that he, the said Francis, together with one other person, not named in said petition, recognized

as sureties to the said Commonwealth, in the sum of four hundred dollars each, for the appearance of one Sewall Butterfield, before the Supreme Judicial Court, which was holden at Concord, within and for the said County of Middlesex, on the second Tuesday of April, A. D. 1805, to answer to the said Commonwealth, upon certain charges of forgery; but the said Sewall Butterfield did not appear at the Court aforesaid, holden as aforesaid; whereby the said recognizance was forfeited, and such proceedings have been had, that at the Supreme Judicial Court holden at Concord, aforesaid, on the second Tuesday of April, now last, judgment was rendered against the said Francis, in favor of the said Commonwealth, for the aforesaid sum of four hundred dollars, and costs:—

Resolved, That for reasons stated in said petition, upon payment of the sum of one hundred dollars, and all costs which may have arisen upon the process and prosecution aforesaid, by the first day of May next; and provided the other surety aforesaid, shall by the time aforesaid, pay to the Attorney General of said Commonwealth, or the Treasurer of said County of Middlesex, the sum of four hundred dollars forfeited by him as aforesaid, and all costs, the said Francis Butterfield be, and he is hereby discharged from the judgment aforesaid.

LVI.

Resolve, requiring Insurance Companies to render an account of their affairs to the next General Court, and directing the Secretary to publish this Resolve. Feb. 23, 1807.

Resolved, That the President and Directors of the several incorporated Insurance Companies within this Commonwealth, be, and they are hereby required under oath, on the second Wednesday of the first session of the next General Court, to lay before the legislature a statement of the affairs of the respective companies aforesaid, subscribed by the President and Directors of such companies respectively, as they were on the first day of January last past; which statement shall specify the amount of the capital stock of their respective companies, actually paid in, and in what funds said stock is invested, and the amount of the several kinds of funds respectively; and also particularly specify the amount of undetermined and subsisting policies of insurance, by them subscribed.

And the Secretary of this Commonwealth is hereby directed as soon as may be after passing this resolve, to cause it to be published in the several newspapers in which the laws of this Commonwealth are published.

LVII.

Order, on petition of Stephen Torrey, authorizing the Treasurer to deliver a certain order. Feb. 23, 1807.

Upon the petition of Stephen Torrey, praying that the Treasurer of the Commonwealth, may be authorized and directed to deliver the said Torrey or his attorney, a certain order said to be forged, now on the files of the Treasurer's office:—

Ordered, That the prayer of said petition be granted, and the Treasurer of the Commonwealth be, and he is hereby authorized and directed to deliver to said Torrey, or his attorney, a certain order now on the files of his office, which order purports to have been signed by the said Stephen Torrey, the amount whereof is said to have been received by Andrew Fuller; the said order to be used as evidence in the action mentioned in said petition. And the said Treasurer is further directed to take a receipt for the said order of the person to whom he shall deliver the same, and such security as he shall think proper that the said order shall be returned into his said office in a reasonable time after the final decision of the action aforesaid.

LVIII.

Resolve, granting a tax for the County of Oxford. Feb. 23, 1807.

On the petition of Levi Hubbard, Esq. Treasurer of the County of Oxford, stating that the estimate for a county tax, for said County is objected to by the Committee on County estimates, because it is not accompanied by a statement of the Treasury of said County, and stating that the reason why such statement does not appear as required by law, is, that said County has been so recently organized, that no tax has yet been paid into the Treasury, since the organization of the same; and he therefore prays, that the estimate for a tax, made by the Court of General Sessions of the Peace for said County on the fourth Tuesday of September, 1806, be accepted and authorized as a tax for said County for the current year.

Resolved, For reasons stated in said petition, that the estimate made as aforesaid by the Justices of said Court, amounting to the sum of one thousand, six hundred and twenty-two dollars, be granted as a tax for said County of Oxford, for the current year, to be apportioned, assessed, collected, paid in, and applied, for the purposes for which it was granted, and according to law.

Resolve,

LIX.

Resolve, on petition of the Committee of the Second Parish in Mendon, to raise money by a tax, for repairs of the Meeting House. February 23, 1807.

On the pétition of a committee in behalf of the Second Parish in Mendon :—

Resolved, That the said Second Parish in Mendon, be, and hereby are authorized to raise the sum of two hundred and ten dollars, to be assessed on the proprietors of pews and pew-grounds, in the Meeting-house in said Second Parish, in proportion to the value of said pews, for the purpose of repairing said house.

And it is further resolved, That the assessment when made, shall be collected by the Collector of said parish, in the same way and manner, as other parish taxes are collected, saving, that he shall have power only in case of non-payment to levy his warrant on the pew or pew-grounds of such delinquent.

LX.

Resolve, relative to Pejepscot proprietors, directing the Attorney General or Solicitor General, to institute an inquest of office. Feb. 24, 1807.

Whereas, it appears that the Pejepscot proprietors have not complied with the report of referees chosen under a resolve of June, A. D. 1798, to settle all disputes subsisting between the Commonwealth and the said Pejepscot proprietors, and that Josiah Little, agent of the Pejepscot Proprietors, in March, A. D. 1801, did petition to the Legislature to be permitted to make and execute the deed to the Commonwealth, awarded by the referees, notwithstanding the time had elapsed for the execution thereof; and that thereupon the Legislature passed a resolve, in March, 1801, authorizing the Supreme Judicial Court to receive a deed of release, at any future time, to the Commonwealth, from the said proprietors, or their agent, lawfully empowered, releasing by said deed the said lands, as directed by said referees, in such manner as would be sufficient to bar the said proprietors from any further claim to the same; *Provided*, and on condition that the settlers on the divided as well as the undivided lands should be alike quieted, in manner pointed out by the resolve of June 29, 1798. And whereas the Commissioners have been appointed agreeably to the above resolve, to appraise the lands for the settlers, which they have done, and made return thereof to the Secretary's office; the settlers appeared at the time and place directed by the commissioners, with their money to pay the agent of the said proprietors

tors and receive their deeds, and that they have always been, and still are ready to do and perform on their parts, every thing which by them ought to be done and performed according to law; but, that the agent of the said proprietors intentionally avoided them, refusing to comply with the report of the commissioners, and expressly declaring that he did not mean or intend to carry into effect, that part of the resolve, which respected the quieting of settlers on divided lands. By this conduct of the agent of said proprietors, in refusing to comply with the condition expressed in the resolve of March, 1801, it is considered that the proprietors have forfeited all the advantages that could or might otherwise have resulted to them from that resolve; and also, that previous to that resolve, they had forfeited any title which they might have derived from the award of the referees, and the judgment of Court thereon, in the extension of their claim by not fulfilling the conditions of the same. It will therefore be for the interest of the Commonwealth, and just and equitable as it respects the settlers on that part of the claim above Bruswick Falls, to have the true extent of said claim, ascertained by judgment of law, on a new inquest of office.

Therefore resolved, That the Attorney General, or Solicitor General, be, and they are hereby directed to institute an inquest of office, or any other process in law, that the Attorney General, or Solicitor General, or either of them, shall determine most advisable against the Pejepscot proprietors, to ascertain the title in the Commonwealth to revert the possession of the land on both sides of the Androscoggin River, above and northerly of a southwest line drawn on the westerly side of said river, from the uppermost part of the upper falls in the town of Brunswick; and on the east side of said river, northwardly of a northeast line drawn from said river, five miles above the said uppermost falls in the town of Brunswick, extending up the said river to the limits of this Commonwealth, land holding the breadth of four miles on the west side of said river, and extending to the lands belonging to the Plymouth Company, and Kennebeck River on the east side of said river; unless the Pejepscot Proprietors (or those to whom any part of said lands were divided) shall, within six months from and after the passing of this resolve, make, execute, and deliver, good and sufficient deeds to all the settlers agreeable to the report of the Commissioners appointed by virtue of the said resolve, of March 1801, now in the Secretary's office, within the said term of six months; and also a deed to the Commonwealth, to be made, executed and delivered, agreeable to the report of said referees, within the said term of six months; and also

so unless the said proprietors shall, within the said term of six months, pay to Nathaniel Dummer, Ichabod Goodwin, and John Lord, Esq's, the commissioners aforesaid, the sum of two hundred dollars and seventy one cents, it being a balance due to them for their services in the execution of said commission above referred to, with the interest for that sum from the time when they completed said services; and when the terms and conditions herein before expressed to be done and performed by said proprietors in manner and form as is above expressed, according to the true intent and meaning thereof, then the said proprietors shall, in all respects, have and enjoy the rights and privileges which they might have been entitled to and enjoyed, had they complied with the said award of referees, and the said resolves of the General Court, and no inconvenience shall afterwards accrue to them in consequence of any supposed forfeiture of their rights in that behalf.

LXI.

Resolve, authorizing Andrew and Joseph Titcomb, of Portland, to make a deed to the heirs of James Gray. Feb. 24, 1807.

On the petition of Susannah Gray, widow of James Gray, late of Standish, in the County of Cumberland, deceased, and guardian of Samuel Gray, Charles Gray, George Gray, Sarah Gray, and Lydia Gray, minors, and children of the said James Gray, stating, that in the years one thousand seven hundred and ninety, and ninety one, he the said James, gave to Deacon Benjamin Titcomb, of Portland, in said County, several notes of hand, and by a writing of the said Benjamin, bearing even date with said notes, he promised and engaged to and with the said James, that whenever he should pay or cause to be paid the sums mentioned in said notes, that then he, the said Benjamin, would make and execute to the said James or his heirs, good and sufficient deeds of half the hundred acre lot, number forty-nine, in the second division, so called, in said Standish; and also the northerly half of the hundred acre lot in said second division, in said town, numbered forty-eight; and that the said James in his life time, paid to the said Benjamin the several sums mentioned in his said notes of hand, but that the said Benjamin died without fulfilling the conditions on his part:—

Therefore resolved, That Andrew Titcomb, of Falmouth, and Joseph Titcomb, of Portland, administrators on the estate of the said Benjamin, be, and they hereby are authorized and empowered to make and execute good and sufficient deeds of conveyance to the aforesaid heirs of the said James Gray, of the aforesaid two half

half lots of land, which deeds when so executed, shall be as good and sufficient in law, as if they had been made and executed by the said Benjamin in his life time.

LXII.

Resolve, extending the time for agents of eastern lands to settle with persons in possession of lands at Mount Desert. Feb. 24, 1807.

Whereas, by a resolve of the twenty-fourth of June, 1806, the agents for eastern lands were directed to settle with certain persons in possession of lands on the island of Mount Desert, prior to the year 1785; and twelve months from the date of the resolve were allowed to the settlers to make payment for their lands, but the agents having stated to this Court, that the time allowed will not be sufficient to complete the business;—

Therefore Resolved, That a further time of eight months from the twenty-fourth day of June, 1807, be allowed to the agents, to settle the business with the settlers, and for the settlers to make payment for their lots agreeably to said resolve of the twenty-fourth of June last.

LXIII.

Resolve, authorizing Samuel S. Sturtevant, of Halifax, to execute deeds to William and Joseph Bozworth. Feb. 24, 1807.

Resolved, That Samuel Stafford Sturtevant, of Halifax, in the County of Plymouth, as administrator on the estate of John Bozworth, late of said Halifax, deceased, be, and he hereby is authorized and empowered to make and execute to William Bozworth, a good and ample deed of sale, of about eight acres of land, with a dwelling-house and barn standing thereon, bounded northerly by the road leading to Bridgwater; westerly by Plympton road; southerly by the land of Daniel Bozworth, and easterly by land of Captain John Waterman; and also a small piece of fresh meadow, assigned to the deceased in the division of his father's estate; for the consideration of seven hundred and twelve dollars, which the said John Bozworth in his life time received of the said William Bozworth. And also, to make and execute to Joseph Bozworth, a good and ample deed of sale, of ten acres of land, bounded by the road leading to Middleborough, and by the lands of William Waterman, and John Waterman, for the consideration of one hundred and fifty dollars, which the said John Bozworth in his life time received of the said Joseph Bozworth; which deeds, when so made and executed, to the said William Bozworth, and Joseph Bozworth, shall be as good and effectual in law, to convey all the right, title, and

and interest which the said John Bozworth had in the premises, as if the said John in his life-time had made and executed the same.

LXIV.

Resolve, on the petition of Jonathan Ward, authorizing Andrew and Joseph Titcomb, to execute a deed. Feb. 24, 1807.

On the petition of Jonathan Ward, of Standish, in the County of Cumberland, stating, that in June, 1794, he gave his note of hand to Deacon Benjamin Titcomb, of Portland, in said County, for twenty seven pounds, ten shillings, and also his other note of hand to Jedediah Lombard, for eighteen pounds ten shillings, for which consideration, the said Benjamin for himself and heirs, covenanted to the said Ward and his heirs, that a good and sufficient deed should be executed of the northwest half of the two hundred acre lot, numbered forty-nine, in the second division, in said Standish, and presented to the said Ward or his heirs, when he or they shall complete the payment of said note :

And furthermore, that he the said Jonathan hath taken up one of the said notes, and paid the greatest part of the other ; and prays that some person or persons may be authorized to execute a good and sufficient deed of the premises :

Resolved, For reasons set forth in said petition, that Andrew Titcomb, of Falmouth, and Joseph Titcomb, of Portland, executors of the last will and testament of the said Dea. Benjamin Titcomb, now deceased, be, and they hereby are empowered to convey, by good and sufficient deed, to the said Jonathan Ward, his heirs and assigns, the said northeast half of the hundred acre lot, numbered forty-nine, in the second division in said Standish, upon condition that the said Ward shall pay all monies that shall be coming or due on said notes.

LXV.

Resolve on petition of Carpenter Winflow, authorizing Mary and Ebenezer Farewell, to execute a deed. Feb. 24, 1807.

On the petition of Carpenter Winflow, and also of Ebenezer Farewell, and Mary Farewell, administrators of Bunker Farewell, deceased :—

Resolved, For reasons set forth in said petition, that the said Mary Farewell, and Ebenezer Farewell, administrators, be, and they hereby are empowered, to make and execute a good and sufficient deed of a lot of land, bounded as follows, viz. situate on the eastern side of Kennebec river, in the town of Pittston, beginning on the

the south line of land, belonging to John Seely, the aforesaid river, and from thence running down said river by the water side, twenty-six rods; thence east-south-east; thence north-north-east; thence west-north-west, to the bounds first mentioned, to contain sixteen acres, to said Carpenter Winslow, upon said Winslow's paying the note referred to in said petition.

LXVI.

Resolve, on the petition of Daniel Cummings and others, authorizing the raising a company of Artillery, from the towns of Boxford, Bradford and Andover. Feb. 24, 1807.

On the petition of Daniel Cummings and others, praying for the establishment of a company of Artillery, in the towns of Bradford, Boxford, and Andover, and 2d Brigade, 2d Division of the Militia of this Commonwealth:—

Resolved, That the Governor, with the advice of Council, be, and he hereby is authorized to form a company of Artillery, to be enlisted in the towns of Bradford, Andover and Boxford; *Provided,* the standing companies in said towns shall not thereby be reduced below the number of sixty-four, rank and file.

LXVII.

Resolve, granting for the use of Hebron Academy, an half township of land. Feb. 24, 1807.

On the petition of John Greenwood, in behalf of the Trustees of Hebron Academy, praying for the usual grant of half a township for the use of the said Academy;—

Resolved, That there be, and hereby is granted unto the Trustees of Hebron Academy, for the use and benefit of said Academy, one half township of land, of the contents of six miles square, out of any of the unappropriated lands of this Commonwealth, in the District of Maine, (except the ten townships on Penobscot river, purchased of the Indians, and the township number four, in the second range of townships, north of the Waldo Patent) said half township to be laid out under the direction of the Commonwealth's agents, for the sale of eastern lands, subject to the usual reservations and conditions of settlement.

Resolve,

LXVIII.

Resolve, granting a tax to the County of Hampshire.
February 24, 1807.

On the representation of the Committee on County estimates, stating, that the Treasurer's account for the County of Hampshire, are not conformable to law. It appearing that his accounts had not passed an examination and settlement, from January 1805 till January 1807 ; and there appearing no detailed and specific statement of the different charges during the period, in his account current, adjusted by a Committee of the Court of Sessions, the eighth of January last ; but as great inconveniences and embarrassments may arise to said County if no tax is authorized for said County the present year :—

Therefore resolved, That the Treasurer of said County of Hampshire be required to make out a true and detailed statement of the account on which his account current, as settled on the eighth of January was founded, according to the requisitions of law, to be examined by a Committee of the Court of Sessions for said County, and accepted by said Court. Or shall make a true and exact copy of the detailed account current of the said Treasurer, with the said County as examined and settled by a Committee of said Court of Sessions, upon which said general settlement was made ; which statement shall be exhibited at the time, when the next application shall be made for a tax for the same County.

And it is further resolved, That the estimate made by the Court of General Sessions of the Peace, for said County, on the third Monday of January, 1807, amounting to five thousand dollars, be granted as a tax for said County for the current year, to be appropriated, assessed, collected, paid in, and applied for the purposes for which it was granted, and according to law.

LXIX.

Resolve, on petition of William Roberts and others, authorizing a Company of Light Infantry to be raised in Salem.
February 24, 1807.

Resolved, That His Excellency the Governor, with the advice of Council, be, and hereby is authorized to raise by voluntary enlistment, a Company of Light Infantry in the town of Salem, in the County of Essex, to be called by the name of the Mechanic Light Infantry. *Provided* the standing Companies in said town shall not be reduced below the number required by law ; and when so raised, to be annexed to the first Regiment, first Brigade, second Division,

Division of the Militia of this Commonwealth, and shall be subject to all such rules, regulations, and restrictions, as are or may be provided by law, for the government of the Militia of this Commonwealth.

LXX.

Resolve, relinquishing all right of the Commonwealth to any Estate of Daniel English. February 24, 1807.

On the petition of Sarah English, stating that Daniel English, of Boston, her late husband, died, seized of a certain real Estate in said town, which by his will, exhibited with said petition, subscribed by two witnesses only, he intended to convey to her; and also stating that there are no heirs at law of the said Daniel English:—

Resolved, That this Commonwealth remise, release, and forever quit claim, and do hereby remise, release, and quit claim, to the said Sarah English, and her heirs and assigns, all right that they have, or may have, to any of the estate of the said Daniel English, by escheat for want of heirs.

LXXI.

Resolve, on petition of Winslow Parker, of Groton, directing the Attorney General to defend him in a suit instituted by James Martin.

February 24, 1807.

On the petition of Winslow Parker, praying that this Commonwealth would defend or indemnify him against a certain suit brought against him, and now pending in the Circuit Court of the United States, for Massachusetts District, by James Martin, to recover the possession of certain lands in Groton, in the County of Middlesex, which were conveyed by this Commonwealth to said Parker with warranty:—

Resolved, That the Attorney General of this Commonwealth be, and he is hereby authorized and requested to appear in said suit, on behalf of this Commonwealth, to examine into the title of said Martin whereon he founds his claim to the possession of said lands, and to defend against the said title and claim, if the said Attorney General shall think expedient, and not otherwise.

And it is further resolved, That the said Attorney General be, and he is hereby authorized, to substitute any other person or persons to do and perform all or any of the foregoing matters and things, in his stead, as he may find it to be necessary or convenient.

And

And it is further resolved, That His Excellency the Governor, with advice of the Council, be, and he hereby is requested, to draw his warrant on the Treasury of this Commonwealth, in favour of said Attorney General, for such sum of money as said Attorney General may request, not exceeding One hundred Dollars, to enable him to defray the necessary expenses arising in the discharge and performance of the duties here enjoined, he to be accountable for the expenditure of said sum.

LXXII.

Resolve, granting One thousand Dollars to the Society for propagating the Gospel among the Indians and others. February 25, 1807.

On the petition of the Society for propagating the Gospel among the Indians and others, in North-America,

Resolved, That there be granted and paid to the Society for propagating the Gospel among the Indians and others, in North-America, out of the Treasury of this Commonwealth, the sum of One thousand Dollars, to be laid out and expended in the purchase of religious Books, in educating the Youth, and for propagating the Gospel, in such parts of this Commonwealth as are unable to furnish themselves with Books, Teachers, and Instructors.

LXXIII.

Resolve, for paying the Witnesses, in the case of John Mycall.
February 25, 1807.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the following persons, who were summoned and attended before a Committee of the House of Representatives, upon the complaint exhibited against John Mycall, Justice of the Peace, the respective sums following—viz.

To Joseph Allen, Esq.	Seventeen Dollars.
„ Benjamin Kimball,	Fourteen Dollars and 50 Cents.
„ George Robinson,	Twelve Dollars and 50 Cents.
„ Silas Holman,	Fourteen Dollars and 50 Cents.
„ Abraham Gates,	Eighteen Dollars.
„ Timothy Whiting,	Fifteen Dollars.
„ Jonathan Symonds,	Fourteen Dollars and 50 Cents.
„ Jacob Whiting,	Fourteen Dollars and 50 Cents.
„ Gladwin Chaffin,	Fourteen Dollars and 50 Cents.
„ Jacob Robbins,	Fourteen Dollars and 50 Cents.

And to Ebenezer Sheldon, for the travel and attendance of himself and his wife, Five Dollars.

Also—To Oliver Hill, Six Dollars and 34 Cents ; and to John Jutau, Three Dollars—for their services respectively, in summoning witnesses in said case.

LXXIV.

Resolve, for paying Committee on Accounts. February 25, 1807.

Resolved, That there be allowed and paid out of the Public Treasury, to the Committee, appointed to examine and pass on Accounts presented against the Commonwealth, for their attendance on that service during the present session, the sums annexed to their names respectively, in addition to their pay as members of the Legislature, viz.

Hon. Thomas Hale,	Forty-four days,	44 dollars..
Hon. John Farley,	Thirty days,	30 "
Joseph Titcomb, Esq.	Thirteen days,	13 "
David Perry, jun. Esq.	Forty-one days,	41 "
Wm. Young, Esq.	Thirty-five days,	35 "

which sums shall be in full for their services aforesaid.

LXXV.

Resolve, granting Jacob Kuhn, two hundred and fifty dollars, for fuel, &c. February 26, 1807.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to Jacob Kuhn, messenger to the General Court, the sum of two hundred and fifty dollars, to enable him to pay for fuel, and other necessary articles for the use of said court, he to be accountable for the expenditure of the same.

LXXVI.

Resolve, granting Mary Dickenson, one hundred and forty-six dollars, for her relinquishing dower in fifty acres of land in Lenox, sold to Thaddeus Thompson. February 26, 1807.

Whereas, pursuant to a resolve, passed June 18, 1806, authorizing William Walker Esq. to settle the claim of Mary Dickenson, widow of Elizur Dickenson, late of Stockbridge, in the County of Berkshire, to fifty acres of land in Lenox, in the County, conveyed to Thaddeus Thompson, by Jonathan Smith, and Nathaniel Kingsley, Esq'srs, agents of said Commonwealth, the said William Walker hath represented to this Court, that he hath procured the release of the said Mary to be made to the said Thaddeus, in consideration of one hundred and forty-six dollars and seventy-two cents, to be paid the said Mary by the Commonwealth,

Therefore

Therefore resolved, That there be, and hereby is granted to the said Mary Dickenson, the sum of one hundred and forty-six dollars and seventy-two cents, to be paid her out of the Treasury of this Commonwealth, in full compensation for her claims on said estate.

LXXVII.

Resolve, on the petition of William G. Warren, granting two hundred and fifty dollars, part of the sum received by the Treasurer of Kennebeck, on recognizance of Nathaniel Tibbets. Feb. 27, 1807.

On the petition of William G. Warren :--

Resolved, For the reasons set forth in said petition, that the Treasurer for the County of Kennebeck, be authorized and directed to pay to the said William G. Warren, the sum of two hundred and fifty dollars, part of the sum received by him said Treasurer, on the recognizance of Nathaniel Tibbets, jun. taking his, the said William G. Warren's receipt for the said sum of two hundred and fifty dollars, which receipt shall be an acquittance and discharge to said Treasurer, for so much of the monies received on account of said recognizance.

LXXVIII.

Resolve, on the petitions of James Pomroy and Samuel Hardy, making grants to compensate for wounds received, and pensioning said Pomroy.

February 27, 1807.

On the petition of Joseph Pomroy, jun. and Samuel Hardy, praying for compensation for injuries sustained by the explosion of a piece of Artillery, at a General Muster and Review, in the town of Hampden.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the said Joseph Pomroy, jun. in consequence of having lost his right arm, in manner as aforesaid, the sum of two hundred and fifty dollars, to enable him to pay the doctors, nurses, and other expenses arising from the said misfortune, and an annuity or pension, of five dollars per month, during his natural life. And also, that there be allowed and paid to the said Samuel Hardy, in consequence of having his right hand shattered and injured by the said explosion, the sum of one hundred dollars.

LXXIX.

Resolve, requiring the President and Directors of Banks to state, in their semi-annual returns, the last declared dividend.

Feb. 27, 1807.

Resolved, That the President and Directors of the several Banks in this Commonwealth, who are required to make returns semi-annually, be directed to state in all future returns, the last dividend declared by said banks respectively, prior to said returns; and also, to state the amount of profits or income which was due, or in possession of the said Banks respectively, at the time the last dividend was declared, and not included therein; and that the Secretary of the State, be directed, within four weeks, to forward a copy of this Resolve to the President and Directors of every incorporated Bank in the State.

LXXX.

Resolve, making an addition to the allowance granted to Rev. James Renatus Romagné. Feb. 27, 1807.

On the petition of James Renatus Romagné, a teacher of morality and religion, among the Penobscot and Passamaquoddy tribes of Indians:—

Resolved, That there be, and hereby is appropriated a further sum of seventy-five dollars per. annum, in addition to two hundred and seventy-five dollars, which he now receives as a teacher of morality and religion among said tribes of Indians, until the further order of this General Court.

LXXXI.

Resolve, granting the town of Northport, eighty-two dollars and eighty cents, for tax recovered, that had been remitted. Feb. 27, 1807.

Whereas, the Treasurer of this Commonwealth has issued his execution against Thomas Burkmer, Collector of the town of Northport, for the sum of seventy-two dollars, assessed on said town, in the year one thousand eight hundred and five, together with ten dollars and eighty cents costs, and recovered the same. And whereas the General Court by their resolve, passed March 5, 1806, remitted the said tax to the said town.

Resolved, That the Treasurer be, and he hereby is authorized and directed to pay to the Selectmen of the town of Northport, the sum of eighty-two dollars and eighty cents, for the use of said town; and his Excellency the Governor, with advice of Council, is requested to issue his warrant accordingly.

Resolve,

LXXXII.

Resolve, directing Agents on eastern land to decide and settle claims of the proprietors of Buckfield. Feb. 27, 1807.

Whereas in and by a certain resolve of the General Court, dated June 7, 1803, upon the petition of the proprietors, Committee and Selectmen of Buckfield, in the County of Cumberland, the Hon. Peleg Coffin, and John Read, Esq'rs, agents for the sale of eastern lands, were authorized to decide and settle certain claims of said petitions, on conditions prescribed in said resolve; and whereas the Hon. Peleg Coffin died without carrying into execution the provisions and object of said resolve:

Therefore, be it resolved, That John Read, and William Smith, Esq'rs, agents for the sale of eastern lands, be, and they hereby are authorized to do and perform all things authorized and enjoined by said resolve, of the twenty-second of June, 1803, and carry the same resolve into full effect on the like conditions and provisions, as described in said resolve, and as the said Peleg Coffin and John Read were empowered to do, and not otherwise.

LXXXIII.

Resolve, on petition of Daniel Wyman, John and Edward Wheeler, directing agents for the sale of Eastern lands, to convey a part of a gore of land in Chesterville. Feb. 27, 1807.

On the petition of Daniel Wyman, John Wheeler, and Edward Wheeler, praying for liberty to purchase part of a gore of land in the town of Chesterville, in the County of Kennebeck, it being the property of this Commonwealth:—

Resolved, That the agents for the sale of eastern lands, be, and they hereby are authorized and empowered to sell and convey unto the said Daniel Wyman, John Wheeler and Edward Wheeler, or any other person or persons, all the lands owned by the Commonwealth in said gore, within the limits of the town of Chesterville aforesaid, for such sums and on such conditions as said agents shall deem just and reasonable.

LXXXIV.

Resolve, discharging the agents on Eastern lands from fifty one thousand nine hundred twenty two dollars thirty-eight cents.

Feb. 27, 1807.

The Committee of both Houses that were appointed to examine the account of the agents for the sale of the Commonwealth's lands

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lands in the district of Maine, have exhibited an account of their proceeding from the twenty third of March one thousand eight hundred and five, to the fourteenth day of February one thousand eight hundred and seven, wherein they acknowledge to have received the sum of fifty one thousand nine hundred and twenty two dollars and thirty eight cents, and that they have paid into the Treasury fifty one thousand nine hundred twenty two dollars and thirty eight cents : all of which on examination appears to be well vouch'd and rightly cast. Therefore, resolved, that the agents be and hereby are discharged from the sum of fifty one thousand nine hundred twenty two dollars and thirty eight cents which has been received by them as above mentioned.

LXXXV.

Resolve, on the petition of Martin Gay, directing John Read and William Smith, Esq'rs. to convey to Ruth Gay all the interest of this Commonwealth to certain estate in Union Street. Feb. 27, 1807.

On the petition of Martin Gay, praying that the Commonwealth would grant to Ruth Gay the remainder after the death of said Ruth, in a certain estate, situate in Union Street, in Boston, in the county of Suffolk, which remainder is in the said Commonwealth, on such terms and conditions, as may be thought just and reasonable.

Resolved, that John Read, Esq. and William Smith, Esq. be authorized and empowered, and they are, accordingly, hereby authorized and empowered to sell and convey all the interest of said Commonwealth in said estate, to Ruth Gay aforesaid, on such terms and conditions, and for such sum of money as, under all the circumstances of the case, may be thought just and reasonable, and to execute a good and sufficient deed thereof to said Ruth Gay, free, however, of all covenants of warranty or obligations on the part of said Commonwealth to defend the title they may convey to said Ruth.

LXXXVI.

Resolve, on the petition of Thomas Cutts, jun. authorizing the Judge of Probate of the County of York to appoint three persons to make division of Batchelor Hussey's real estate. Feb. 28, 1807.

On the petition of Thomas Cutts, jun. setting forth that in consequence of sundry errors in the return of the committee by their surveyor who was appointed by the judge of probate for the county of York, to divide the real estate of one Batchelor Hussey, late of Biddeford, in the county aforesaid, yeoman, deceased, in which estate

estate the said Thomas is interested, and by said erroneous return he is very materially injured. For reasons set forth in his said petition,

Resolved, that the said Judge of Probate for the said county of York be, and he hereby is authorized to appoint three disinterested freeholders in said county to make such division of real estate of the said Batchelor Hussey in the said town of Biddeford, to and among his heirs and their legal representatives in such way and manner as were intended by a former committe appointed by the Honorable Judge of Probate for the county York on the seventeenth day of Nov. 1796. And the said Judge of Probate shall have the same powers and authority herein, and such proceedings shall and may be had for that purpose in the premises, as is provided by the laws regulating the division of Intestate Estates.

LXXXVII:

Resolve, accepting the report of the agents to settle the accounts of Treasurer Jackson. Feb. 28, 1807.

The committee of both Houses to whom was referred the report of the agents appointed to settle and adjust the accounts of the late Treasurer and receiver General of this Commonwealth, and to transfer the books and property in the Treasury to the present Treasurer, ask leave to report the following Reslove, which is submitted.

NATHAN WILLIS, *pr. order.*

Resolved, that the report of the agents appointed by an order of the Ligislature of the twentieth of June, one thousand eight hundred and six, to settle and adjust the accounts of Jonathan Jackson, Esq. late Treasurer and receiver General of this Commonwealth, and to make a regular transfer of the books and property in the Treasury to the present Treasurer, which report bearing date the third day of October last; together with the book containing the settlement of said accounts—And Thompson J. Skinner, Esq. the present Treasurer's receipts for the property transferred to him as aforesaid, be and hereby are accepted and ordered to be deposited in the Secretary's Office.

LXXXVIII.

Resolve, advancing the Secretary one hundred and twenty dollars to pay assistant clerks. Feb. 28, 1807..

Resolved that there be paid into the hands of Jonathan Loring Austin, Esq. Secretary of this Commonwealth the sum of one hundred

dred and twenty dollars, for the purpose of compensating such assistant clerks as it has been, or may be necessary for him to employ, during the present session, he to be accountable for the same

LXXXIX.

Resolve, giving further time to explore the route for a water communication from Boston to Narraganset-Bay. Feb. 28, 1807.

Resolved that the committee appointed to explore and survey a route for a water communication from the harbour of Boston by Weymouth, Abington, &c. to Narraganset-Bay, in the State of Rhode-Island, be and hereby are allowed the further term of one year from and after the passing of this resolve, to complete their survey and report their doings thereon to the Legislature of this Commonwealth.

XC.

Resolve, granting Ann Stow an addition to her Pension. Feb. 28, 1807.

On the petition of Ann Stow widow of Aaron Stow, late of Grafton deceased, who was killed while doing duty as a Soldier in a company of Militia :

Resolved, For reasons set forth in said Petition, that there be allowed and paid out of the Treasury of this Commonwealth, to the said Ann Stow, the sum of thirty dollars annually, from the month of September, One thousand eight hundred and six, during the time of her remaining the widow of the deceased, and no longer, in addition to the sum of twenty dollars granted her by a resolve of the tenth of March one thousand eight hundred and two. And his Excellency the Governor with the advice and consent of Council is hereby requested to issue his warrant accordingly.

XCI.

Resolve, on the petition of John Webber, empowering agents on eastern lands to ascertain the quantity and quality of a gore of land between Shapleigh and Sandford. Feb. 28, 1807.

On the petition of John Webber,

Resolved, That the agents for the sale of eastern lands be and they hereby are authorized and empowered to ascertain, the quantity and quality of a gore of land lying between the towns of Shapleigh and Sandford, said to contain twenty one acres and seventy seven rods, and to sell and convey the same to the said Webber, or any other person or persons, for such sum and on such conditions as they shall think just and reasonable.

Resolve-

XCII.

Resolve directing the Attorney General to stay proceedings to eject certain settlers in Hancock and authorizing agents on Eastern lands to receive monies and give deeds. Feb. 28, 1807.

Whereas by a resolve of the General Court passed the third day of March last, the Attorney General was directed to eject certain settlers in the County of Hancock who should fail of compleating the payment for the lots on which they had settled respectively, on or before the third day of March 1807. And whereas it appears that the said payments are not yet fully completed. Therefore resolved, that the said Attorney General be directed to stay his proceedings relative to the same for the further term of twelve months from the passing of this resolve. And the agents for the sale of eastern lands are directed in the mean time to receive any monies which the said settlers may pay, and to make out the deeds of their respective lots in the usual manner: any thing in the said resolve of March 3d, 1806, to the contrary notwithstanding.

XCIII.

Resolve on the petition of Charles Paine, relative to estate of John Whiting. Feb. 28, 1807.

On the petition of Charles Paine, Administrator de bonis non, on the estate of John Whiting, late of Boston, in the county of Suffolk, Merchant, deceased; shewing that said estate was duly represented insolvent by Mary H. Whiting, former Administratrix on said estate, and a commission duly issued thereon and a part of the creditors to said estate proved their claims; but owing to the inconsiderable amount of said estate no dividend was ever decreed; but since the time by law allowed for exhibiting their claims has expired, a considerable amount of property has come to the hands of said Charles; and there are many creditors to said estate who have not proved their claims against said estate.

Resolved, That for reasons set forth in said petition, the said Charles Paine be, and that he hereby is authorized and empowered anew to represent the estate of said John, insolvent to the Judge of probate for the county of Suffolk; and that the said Judge of probate be, and he hereby is authorized to grant a new commission on said estate, or to allow such further time to the former Commissioners on said estate, not exceeding twelve months, as he shall judge expedient to receive and examine the claims of all those who have not already proved their claims against said John's estate; and that such proceedings on said commissions may be had as might have been had if no former commission had been issued.

RESOLVES, February 1807.

Roll No. 56. February 1807.

THE Committee on accounts, having examined the several accounts they now present,

REPORT, That there are due to the corporations and persons hereafter mentioned; the sums set to their names respectively, which, when allowed and paid, will be in full discharge of the said accounts to the several dates therein mentioned.

Which is respectfully submitted,

THOMAS HALE, *per order.*

Pauper Accounts.

D. C.

Town of Augusta, for boarding, clothing and doctoring Lydia Jordan to 10th February, 1807,	134 00
Adams, for boarding and clothing Catherine, an Indian woman, Susannah Camp, Freeman Blackley, and Lydia Daly and child to 9th January, 1807, and Thomas Stephen to the time of his death, including funeral charges,	199 19
Andover, for boarding and clothing Patrick Callahan, to 1st February, 1807, and Thomas Walker to 10th February 1807, and William Cunningham to the time of his death, including funeral charges, and doctor Kitteridge's bill,	302 71
Abington, for boarding, clothing and doctoring Margaret Bennet to the time of her death, including funeral charges,	55 00
Attleborough, for boarding and doctoring James Sims, till he left said town.	47 34
Brookfield, for boarding and clothing Luke Finney and George Baslington to 1st January, 1807,	138 28
Bradford, for boarding, nursing and doctoring Joshua L. Alfors to 24th December, 1806,	50 77
Boxford, for boarding and clothing Mehitable Hall to 1st January 1807,	67 31
Brimfield, for boarding, clothing and doctoring John Wakely to 8th July 1806, and John Swaney to 7th April, 1807,	154 57
Belchertown, for boarding, clothing and doctoring Amoz Ames and Wife to 18th January, 1807,	50 01
Bridgwater, for boarding and clothing Benjamin Palmer, William Brackley and supplies to Fredrick Bignor to 1st January, 1807, and Herry Ash to 1st November, 1806,	110 60

Beverly, for boarding, clothing, and doctoring sundry paupers, to 1st February, 1807, including funeral charges,	307 CO
Brookline, for supporting Jacob Harvey, to 17th February, 1807,	64 10
Barre, for boarding, clothing and doctoring John C. Dandrick, and Precilla Humphries, to 1st January, 1807,	170 67
Billerica, for boarding and clothing Michael Taylor, and William Love, and wife, to 30th January, 1807,	145 20
Boston, for boarding and clothing sundry paupers, to 1st December, 1806, including funeral charges,	4072 20
Boston Board of Health, for boarding, nursing, and doctoring sundry paupers, on Rainsford Island, including funeral charges, to 9th of February, 1807.	286 24
Boxborough, for supporting John Kennedy, in his last sickness, including funeral charges,	51 30
Charleton, for boarding, clothing, and doctoring Thomas Adams, and Edward Madden, to January, 1807,	137 04
Cape-Elizabeth, for boarding and clothing James Rambottom, James Jehays, and Abraham Birks, to 9th January, 1807,	143 50
Cambridge, for boarding, clothing, and doctoring John Wilkins, Robert Spear, Joshua Cozens, William Cunningham, Abraham Francis, and James Charland, to 27th January, 1807,	186 17
Charlemont, for boarding, clothing, and nursing Abraham Bas, to the time of his death, including funeral charges,	80 76
Gelerain, for boarding, clothing, nursing, and doctoring William Wilson, and Rachel Carr, to the time of their death, including funeral charges and supplies, and doctoring for Henry Rogers and family, to 1st January, 1807,	174 61
Conway, for boarding, clothing, and doctoring, John Allen, to 22d January, 1807,	100 71
Concord, for boarding and clothing William Shaw, to the 19th January 1807,	45 04
Charlestown, for boarding and clothing sundry paupers to 21st January, 1807, including funeral charges,	316 61
Concord, for supporting poor debtors, confined in goal in said town,	80 77
Dedham, for boarding, clothing, and doctoring Elenor Caryl, to 1st January, 1807,	40 00

Deblois George, keeper of Alms House, in Boston, to 1st December, 1806,	263 75
Dartmouth, for boarding, nursing, and doctoring William Morrison, to the time of his quitting the state and John Quannawell, to the 1st January 1807,	123 69
Danvers, for boarding, clothing, and doctoring John I. Heirs, to 6th February, 1807,	80 00
Dracut, for supplies to Richard Barker, to 2d February, 1807,	20 00
Doggett Samuel, keeper of the goal in Dedham, for boarding and clothing James Hatchel, a vagrant, confined in goal, to 6th February, 1807,	95 65
Deerfield, for boarding and clothing William Clarrick, to 24th January, 1807,	63 89
Dunstable, for boarding and clothing Margaret Lane, to 29th of January, 1807, and Sally Hamlet, to the time of quitting the State,	61 14
Egremont, for boarding and clothing the widow Daly, and three ideot children, to 7th January, 1807,	258 17
Florida, for boarding, clothing and nursing a child of James Eldridge, to 2d January, 1807,	28 00
Framingham, for supporting Betsy Stevens's child, to 16th February, 1807,	27 50
Granville, for boarding, clothing and doctoring Thomas Williams, to the time of his death, and funeral charges,	11 57
Great Barrington, for boarding, clothing, and doctoring Isaac, Catharine, and Mary Hoofe, to 10th January, 1807, and Thom, a negro, to the time of his death, including funeral charges,	149 74
Greenfield, for boarding, clothing and doctoring James Logan, and Eunice Converse, to 22d January 1807,	151 97
Groton, for boarding, clothing, and doctoring Eunice Bertoldt, Edward M'Lane, John C. Wright and wife, William Le Pierre and wife, and John Oward, to 10th January, 1807,	454 69
Gloucester, for boarding, clothing and doctoring sundry paupers, to 10th Nov. 1806, and funeral charges,	923 50
Grandby, for boarding, clothing, and doctoring, Ebenezer Darwin, and John Murry, to 3d February, 1807,	106 26
Gorham, for boarding and clothing Robert Gilfilling, to 18th January, 1807,	82 50
Gill, for boarding, clothing and doctoring Sarah Hamilton, to 4th February, 1807,	78 24

Greenwich, for supporting Widow Harrington and child, to 1st January, 1807, and George Fye, to the time of his death, including funeral charges,	68 24
Grafton, for boarding, nursing and doctoring James Cook, to the time of his death,	45 50
Hadley, for boarding, clothing, and doctoring George Andries and wife, and supplies to Friday and wife to 1st January, 1807,	122 80
Hardwick, for boarding, clothing and doctoring David Chamberlain, to 3d October, 1806,	49 71
Hallowell, for boarding, clothing and doctoring Rachel Cummings and Jonathan Powers and wife to 1st January, 1807,	240 57
Haverhill, for boarding, clothing and doctoring Phillip Slau and Will. Tapley to 1st January, 1807,	149 01
Hodgkins, Joseph, keeper of the House of correction in Ipswich, for boarding and clothing sundry paupers to 19th January, 1807,	233 58
Hartshorn, Oliver, for supporting sundry poor Debtors, confined in gaol, to 29th January, 1807,	430 39
Hancock, for boarding, clothing, nursing and doctoring Grace Nichols, to the time of sending her out of the State, and John Shelley, to the time of his death, including funeral charges,	86 94
Hopkinton, for boarding and clothing James Roach to 11th February, 1807,	57 20
King, Jeffe, for supporting four children of Amoz Elbridge to 10th February, 1807,	170 33
Limmington, for boarding, clothing and doctoring John Oryan to 29th December, 1806,	68 00
Lenox, for boarding, clothing and doctoring Abraham Palmer to 16th January, 1807, and his child to time of its death, and funeral charges,	82 85
Longmeadow, for boarding, clothing and doctoring John S. Spindler and family, till they went out of the State, and boarding Melroff's children till bound out, and supplies and doctoring for James Robins and family to 1st January, 1807,	120 25
Leominster, for boarding and clothing John Herrinson and Joseph Hyde to 22d January, 1807,	68 00
Lynn, for boarding, clothing and doctoring John Battis and John Williams, to 8th February, 1807, and Ebenezer Boss, till he left the town, and Stephen Young, till his death, and funeral charges,	143 11

Lincoln, for boarding and clothing Thomas Hocock, 1st February, 1807,	88 00
Littleton, for supporting and doctoring Richard Crouch, to 11th February, 1807,	39 00
Leyden, for supporting Jedediah Fuller, and family, and Elizabeth Waggoner, to 10th February, 1807, and Matthew Lampheir and wife, to the time of his death, and removal out of the State, and funeral charges,	159 93
Lunenberg, for boarding, clothing and doctoring Geo. W. Shute, and John Kelly, to 22d January, 1807,	197 29
Methuen, for boarding, clothing and doctoring Thomas Pace, to 1st January, 1807,	60 00
Mendon, for boarding and clothing Robert Ellifson, to 10th January 1807, and John Hunt, to the time of his death, including funeral charges,	120 30
Milton, for boarding and clothing Thomas Webster, John Murry, and Rebecca Welsh and four children, to 13th January 1807,	160 75
Manchester, for boarding and clothing Thomas Doug- las, to 2d February 1807,	72 40
Marblehead, for boarding and clothing sundry Paupers, to 6th February 1807, including funeral charges,	613 70
Marlborough, for boarding and clothing Joseph Waters, to 6th February 1807,	111 16
Machias, for expences of taking up, and burying the body of Joseph Gates, a foreigner,	15 00
Northfield, for boarding, clothing and doctoring Neil M'Authur, and Richard Kingsbury, to 10th January 1807,	101 55
Newbedford, for boarding clothing and doctoring Eliz- abeth Eastlin, to 1st January 1807,	31 28
Northborough, for boarding, clothing and doctoring Wm. Linneham, to the time of his death, and Timo- thy Herrington to the time of his leaving the State in- cluding funeral charges,	101 13
Northyarmouth, for boarding and clothing William Elwell to 1st January 1807,	98 40
Newburyport, for boarding, clothing and doctoring sundry Paupers, to 1st January 1807, including funeral charges of Mrs. Morrison,	1540 30
Nantucket, for boarding, clothing and doctoring James Plato, to 8th January 1807, and Peter Smith, Castle, a negro, and Plato's wife, and Edward Robison, to the time of their death, including funeral charges,	263 06

Newbury, for boarding and clothing sundry Paupers, to 1st January 1807, including doctor's bill,	1000 05
Newbraintree, for boarding, nursing and doctoring James Wormsley, to the time of his death, including funeral charges,	37 21
Newton, for boarding and clothing William Buzzard, to 4th February 1807,	34 13
Northampton, for boarding and clothing William Welsh and James Aldridges, to 2d February 1807, and Patience Davis, and John Ellis, to the time of their death, including funeral charges,	147 34
Norton, for boarding, clothing and doctoring Joseph Ratt, to 14th February 1807, and Hugh Frazier, to his death,	100 00
Overseers of Marshpee Indians, for boarding and cloth- ing Catherine Asher, Elizabeth Isaacs, and Quashaba Bulkia, to the 10th of January, 1807, and Sylvia Linza, to the time of her death, including funeral charges,	202 62
Oxford, for boarding, clothing, and doctoring, the widow Jordan to 1st of January, 1807,	71 13
Palmer, for boarding, clothing, and doctoring, Benja- min Cantrell to 28th of July, 1806, and Phebe Men- don to 5th January, 1807,	64 26
Pittsfield, for boarding, clothing, nursing, and doctor- ing, London, (a Negro) and Jenny Collins, to the time of their death, and Mary Welsh, to the time she went out of the State, including funeral charges,	170 21
Portland, for boarding, clothing, and doctoring sundry paupers, to 1st of January, 1807,	822 45
Pembroke, for boarding John Foster to the time of his leaving the Commonwealth,	14 22
Quincy, for boarding and doctoring Thomas Young, to the time of his death, and funeral charges,	21 00
Rutland, for boarding, clothing and doctoring Will. Henderson, to 30th December, 1806,	112 41
Roxbury, for boarding, clothing, and doctoring, sundry paupers, to 3d January, 1807, and funeral charges,	391 63
Rowley, for boarding, nursing, and doctoring, Hannah Harris and Elle Collins, to 1st January, 1807,	77 77
Reading, for boarding, clothing, and doctoring, Samuel Bancroft and Samuel North, to 25th January, 1807,	96 75
Salem, for boarding, clothing and doctoring sundry paupers to 1st, January, 1807.	1174 33

Stockbridge, for boarding, clothing and doctoring Sa- rah Hosford, Samuel Hany, and Jeremiah Elky, to 2d December, 1806, including funeral charges for Samuel Hany,	125 96
Swansey, for boarding and clothing Manuel Dusnips, Deborah Blinkins, and Sally Robbins' child, to 28th December, 1806,	69 50
Sharon, for boarding, clothing and doctoring Stephen Flood to 14th January, 1807, and David Barrows to the time of his leaving the State,	134 65
Sturbridge, for boarding and clothing Jonas Banton to 2d January, 1807,	47 03
St. George, for boarding and clothing Robert Hawes to 1st January, 1807, and Elenor Matthews to 25th September, 1806,	95 26
Sheffield, for boarding, nursing and doctoring John Gardner, to the time of his death, including funeral charges,	70 25
Standish, for boarding, clothing and doctoring Ellis Noble, to 1st January 1807,	83 93
Stoneham, for boarding and clothing John H. Clamrod, to 29th January 1807,	39 00
Sherburn, for boarding and doctoring Benjamin Haugh- ton, to 29th January 1807,	60 85
Southwick, for boarding and clothing George Read, to 1st January 1807,	62 20
Shirley, for boarding and clothing Simeon Cox and James Mills, to 14th February 1807,	112 04
Springfield, for boarding and clothing John Coxe and John Padly, to 1st January, 1807,	111 95
South-Hadley, for supplies for Peter Pendergass, to 7th January, 1807,	39 93
Tyngham, for boarding and clothing Ralph Way, to 1st January 1807,	52 00
Thompson, R. Abraham, for doctoring State's poor, in the town of Charlestown, to 21st January 1807,	71 25
Topsfield, for boarding, nursing and doctoring Thomas Comerford, to 6th February 1807,	90 50
West-Stockbridge, for boarding, clothing and doctor- ing Lucy Lane, to 31st December 1806, and Elizabeth Dorsee, and Tamer, a black woman, their child, to the times of their death, including funeral charges, and Hannah Gornor and two children, and Samuel Hin- man, to the time of being sent out of the Common- wealth,	124 59

RESOLVES, February 1807.

65

Westford, for boarding, clothing and doctoring Christopher Shepherd, Charles, Fanny, and Patty Gardner,	116 00
Windsor, for boarding and clothing Henry Smith and Wife, to 12th January 1807,	77 22
Worcester, for boarding, clothing and doctoring Peter Willard, Jack Melvin, Jeconias Wood, Sally Studson, Peter Freeman, Henry Bratts and John Brown ; and supporting Joseph Higgins, a poor debtor, to the 1st January 1807,	287 27
Warwick, for boarding, clothing and doctoring Samuel Griffith, to 5th January 1807,	43 68
Western, for boarding, clothing and doctoring Cato Kinn, to the time of his death, and funeral charges,	35 00
Walpole, for boarding and clothing Sally Davis, to 1st January 1807,	66 72
Wilmington, for boarding, clothing and doctoring Rosanna, to the 1st June 1806, and Hervey Sharp to the time of his death, including funeral charges,	56 73
Westfield, for boarding, clothing and doctoring William Davis, to 1st January 1807,	70 14
Westborough, for boarding, clothing and doctoring Sarah Cook, to 18th January 1807,	40 00
Westport, for boarding and clothing Eliza Sydnell to the time she was bound out,	21 26
West-Springfield, for boarding, clothing and doctoring William Bell, Sarah Felts, child of Godfrey Waggoner, to 3d January 1807, and Ruth Rockwood, Caleb Fitch and John Scoval, to the time of their death, including funeral charges and doctor's bill,	190 38
Ware, for boarding and Nursing Betsy Harrington and child to the time of their going away,	24 50
Warren, for boarding and clothing William Moreman, to 4th January 1807,	52 00
Winthrop, for boarding and clothing William Gaskell, to 4th January 1807,	62 80
Williamstown, for boarding, clothing and doctoring Rachel Galusha, Morrice Fowler, Stephen Bleau, Robert Morril, Charles M'Cartey and Sterry Lampeir, to 10th January 1807, and John Gabrail, to the time of his going away,	368 73
York, for boarding, nursing and doctoring Edward Perkins and Wife, Edward Voudy, Mrs. Croker, Eliza Perkins and Nicolas Turtle to 9th February 1807, and	

Jacob Bickum to the time of his death, including funeral charges,

259 41

Total, Pauper Accounts

24301 73

Military Accounts.

Courts Martial, and Courts of Enquiry.

Clement Charles, for expense of Court-Martial, held at Boston on the 28th October 1806, whereof was President John T. Apthorp,

126 43

Clement Charles, for expense of Court-Martial, held at Boston 2d July 1806, president, Benjamin Hayden,

63 48

Clement Charles, for expense of Court-Martial, held at Boston 29th October 1805, John Barker, President,

464 86

Clement Charles, for expense of Court of Enquiry held at Boston 2d December 1806, James Robison president,

17 72

Fisher Jacob, for expense of Court of Enquiry, held at Lancaster 24th July 1806, Moses Whitney, president,

8 46

Field Seth, for expense of Court-Martial, held at Worcester 14th June 1805, Ebenezer Stone, president,

44 14

Howard Samuel, for expense of Court-Martial, held at Readfield 21st October 1806, William Sprague, president,

74 50

Lincoln Levi, jun. for expense of Court of Enquiry, held at Rutland 3d May 1806, John Davis, president,

45 57

Lancaster Sewall, for expense of Court-Martial, held at Gorham 10th November 1806, Nathaniel Frost, president,

97 85.

Tinkham Seth, for expense of Court-Martial, held at Wiscasset 28th October 1806, Denny M'Cobb, president,

256 18.

Tinkham Seth, for expense of Court of Enquiry, held at Wiscasset September 1806, Samuel Thatcher, president,

15 76

Sever William, for expense of Court of Enquiry, held at Taunton 5th May 1805, Zebulon White, president,
Brigade Majors, and Aid-de-Camps.

7 89

Ayer James, for his services to 22d January, 1807,

86 51

Brown C. Henry, for his services to 1st November, 1806,

30 00

Bastow Sumner, for his service to 5th January, 1807,

31 00

Clement Charles, for his service to 3d Feb. 1807,

50 00

Day Ezekiel, for his service to 2d June, 1806,

43 00

Dewey Stephen, for his service to 12th January, 1807,

22 00

Fisher Jacob, for his service to 2d January, 1807,

52 28

Gannett Barzillia, for his service to 1st January, 1807,	40	36
Gamwell Samuel, for his service to 12th August, 1806,	33	80
Goodwin Ichabod, jun. for his service to 7th Feb. 1807,	15	75
Howard Samuel, for his service to 29th Jan. 1807,	155	00
Harris Josiah, for his services to 31st December, 1806,	34	00
Hoyt Epapheas, for his service to 21st January 1807,	51	00
Hayward Nathan, for his service to 8th Feb. 1807,	17	00
Jeffords William, for his service, to 12th January, 1807,	62	00
Seyer William, jun. for his service to 30th Dec. 1806,	70	60
Strong Theodore, for his service to 1st January, 1807,	50	00
Smith Erasmus, for his service to 27th Jan. 1807,	69	00
Thayer W. Samuel, for his service to 30th Jan. 1807,	110	25
Tinkham Seth, for his service to 15th Feb. 1807,	133	50
Sweett Daniel, for his service to 9th Feb. 1807,	8	63
Wheeler Robert, for his service to 19th Jan. 1807,	50	00
Whiting Timothy, for his service to 10th Feb. 1807,	74	70

Adjutants.

Aems Pliny, for his services to 9th January, 1807,	22	00
Buckland Joseph, for his service to 12th Sep. 1806,	12	00
Burt Abner, jun. for his service to 11th Sep. 1806,	12	00
Beale John, for his service to 1st Jan. 1807,	15	00
Bagley Abner, for his service to 1st January, 1807	11	47
Bishop Jacob, for his service to 1st January, 1807,	20	00
Bass George, for his services to 26th January, 1807,	170	00
Bridge William, for his service to 6th Feb, 1807,	24	00
Curtis Joseph, for his service to 22d August, 1806,	8	00
Cheever Nathaniel, for his service to 1st Jan. 1807,	40	00
Callender Benjamin, for his service to 13th Jan. 1807,	15	00
Clough Elias, for his service to 13th Jan. 1807,	15	00
Dana Isaac, for his service to 28th January, 1807,	12	00
Dodge David, for his service to 10th January, 1807,	18	81
Field Seth, for his services to 18th Dec. 1806,	20	00
Foot Elisha, for his service to 1st Jan. 1807,	7	55
Frost Timothy, for his service to 1st Jan. 1807,	20	00
Gould William, for his service to 24th December, 1806,	39	00
Hayden Samuel, for his service to 2d Feb. 1807,	20	00
Hight William, for his service to 26th Dec. 1806,	20	00
Holland Samuel, for his service, to 10th Jan. 1807,	16	75
Hinman Ransom, for his service to Sept. 1806,	22	72
Hosmer Rufus, for hiſ service to 19th Jan. 1807,	48	00
Judson A. E. for his service to 29th Nov. 1806,	21	00
Jones Amos, for his services to 1st Jan. 1807,	78	73
Jellison Nathaniel, for his service to 13th December, 1806,	24	00
Jewett, Jesse, for his service to 27th Dec. 1806,	45	00
Keith Cyrus, for his service to 19th Jan. 1807,	12	00

RESOLVES, February 1807.

Kingman Simeon, for his services to 21st Jan. 1807,	16 00
Lincoln Benjamin, for his service to 27th Dec. 1806,	30 00
Lambert John, for his service to 7th Feb. 1807,	22 00
Lyman Lewis, for his service to Feb. 1807,	33 83
Merrill Abel, for his service to 4th Jan. 1807,	33 00
Morse Joseph, for his service to 12th Jan. 1807,	10 00
Maxwell Sylvanus, for his service to 23d Sept. 1806,	11 00
March Angier, for his service to 2d th Jan. 1807,	25 75
Morse Thomas, jun. for his service to 1st Jan. 1807,	8 25
Morgan Aaron, jun. for his services, to 1st Jan. 1807,	18 00
Moores Herbert, for his service to 1st Jan. 1807,	16 00
Mattoon D. Noah, for his service to 23d Jan. 1807,	23 00
Nye John, for his services to 31st Dec. 1806,	20 00
Northam Eli, for his service to 1st Jan. 1807,	13 24
Orr Hector, for his services to 1st January, 1807,	23 69
Philbrook Daniel, for his service to 25th Dec. 1806,	36 00
Pilsbury William, for his services to 10th Jan. 1807,	12 00
Pingree Samuel, for his service to 1st Jan. 1807,	35 00
Page Jesse, for his service to 22d Jan. 1807,	47 00
Elwell Robert, for his services to 1st January, 1807,	135 08
Rose Seth, for his services to 1st Jan. 1807,	15 00
Stebbins Festus, for his service to 15th Oct. 1806,	13 00
Sweeting Henry, for his service to 26th Dec. 1806,	12 00
Strong B. Thomas, for his service to 19th Jan. 1807,	13 65
Sergeant John, for his services to 24th Jan. 1807,	18 00
Stebbins Quartus, for his services to 1st Jan. 1807,	16 00
Stewart Jotham, for his services to 1st January, 1807,	35 00
Thomas Sylvanus, for his service to 1st January, 1807,	17 00
Tucker Joseph, for his service to 12th Jan. 1807,	28 00
Woodman, Ephraim, for his service to 8th Oct. 1806,	12 00
Whittier Nathaniel, for his service to Jan. 1807,	13 00
Wade Samuel, for his service to 2d Feb. 1807,	12 00
Whiting C. William, for his services to 31st Dec. 1806,	20 62
Williams Thomas, for his service to 1st Jan. 1807,	6 25
Waters Afa, jun. for his service to 28th Jan. 1807,	12 00
White Jonathan, for his service to 30th Jan. 1807,	9 50
Winflow John, for his service to 1st January, 1807,	21 43
Wardwell William, for his services to 1st January, 1807,	12 00
Expense, Horses to haul Artillery.	
Brown Ephraim; to 6th January, 1807,	8 00
Burt Moses, jun. to 1st January, 1807,	5 00
Bond Daniel,	7 50
Curtis Samuel,	7 50
Claslin John,	7 00

RESOLVES, February 1807.

69

Carter Solomon,	1st January, 1807,	2 50
Dana Joseph,	7 50
Fales James,	5 00
Hays Daniel,	16th January, 1807,	8 00
Judd Ephraim,	1st January, 1807,	2 00
Little Otis,	5 00
Palmer Moses,	7 50
Potter James,	8 00
Plymton Gershom, jun.	5 00
Packard Perez,	to	7 50
Reed Joseph,	10 00
Robinson John,	6 25
Maynard Eli,	7 50
Fairbanks Levi,	10 00
Thayer E. W.	5 00
Spalding Thomas,	to 1st October, 1806,	5 00
Slater Peter,	to 1st January, 1807,	7 50
Smead Julia,	5 00
Wilson Clark,	15 00
Walker Jason,	6 47

Total Militia Accounts, 4318 71

Sheriffs' Accounts.

Bartlett Bailey, in full to 1st January, 1807,	13 07
Barrett Joseph, underkeeper of the Gaol in Concord for supporting fundry convicts, in said Gaol, to 10th February, 1807,	328 73
Cooper John, for returning votes for Governor and Lieut. Governor, Representatives to Congress. &c. to 10th January, 1807,	100 24
Demmick Joseph, returning votes, &c. to 1st January, 1807,	16 00
Goodwin Ichabod, for returning votes, &c. to 24th November, 1806,	28 05
Learned David, for returning votes, &c. to 1st January, 1807,	30 40
Lithgow Arthur, for returning votes, &c. to 1st January, 1807,	68 40
Laurence Jeremiah, for returning votes, &c. to 21st January, 1807,	25 83
Learned Simon, for returning votes, &c. to 21st January, 1807,	28 00

Mattoon Ebenezer, for returning votes, &c. to 1st January, 1807,	25 20
Shaw Mafon, for returning votes, &c. to 1st January, 1807,	102 98
Smith Benjamin, for returning votes, &c. to 1st January, 1807,	36 00
Ward W. Thomas, for returning votes, to 1st Jan. 1807,	9 67
 Total Sheriffs' Accounts	 \$12 57

Printers' Accounts.

Samuel Cotting, for publishing Acts and Resolves to 1st December, 1806,	16 67
Phinehas Allen, for publishing Acts and Resolves to 1st January, 1807,	16 67
E. W. Allen, for publishing Acts and Resolves to 1st August, 1806,	16 67
Nathaniel Willis, for publishing Resolves to 1st January, 1807,	11 00
John Dennis, for printing blank Warrants and Notifications to September 18th, 1806,	24 00
Thomas Dickinan, for publishing Acts and Resolves to 1st January, 1807,	16 67
Francis Gould, for publishing Acts and Rosolves to 1st January, 1807,	16 67
Young and Minns, for balance due them for printing for Agricultural Society and for twenty reams Paper delivered Adams and Rhoades,	149 00
Adams and Rhoades, for printing and paper, for the State, to 11th February, 1807,	781 43
 Total Printers' account,	 1048 17

Miscellaneous Accounts.

Boyle, John, for Stationary for Secretary's and Adjutant General's Office, to 9th January, 1807,	176 75
Cowing, Daniel, for assisting the Messenger of the General Court, the present session,	92 00
Densmore, John, for taking inquisition on the Body of John Frazier, a foreigner,	12 49
Folsom, John W. for taking inquisition on ten dead bodies, &c. to 27th October, 1806,	250 28
Gale, William, in full for balance due him on his account to 10th January, 1807, after deducting two	

hundred dollars, granted him Nov. 20th, 1804, and two hundred dollars granted him 5th March, 1806,	31 65
Gore, Samuel, and Son, for materials and painting for the State House, to 29th January, 1807,	95 48
Greenleaf, Oliver C. for Stationary for the Treasurer's Office to 9th February, 1807,	11 41
Goodwin, Timothy, for sundry materials for State House to 19 January, 1807,	12 21
Hunt, Joseph, for doctoring Convicts in Concord gaol, to 9th February, 1807,	18 73
Hastings, Jonathan, for postage of Letters and Packages for Government, to 19th January, 1807,	87 56
Kendell, Ephraim, for taking inquisition on the Body of Robert Tucker, a foreigner,	14 40
Loring, Benjamin, for binding the Laws and Resolves to 1st February, 1807,	10 00
Larkin, E. & J. for furnishing Treasury Office with books, and lettering books,	63 33
Learned, Simon, for the bounty and expenses of appre- hending Ephraim Wheeler and others, escaped from the Gaol in Lenox, the night of 7th Feb. 1806,	295 05
Lapham Sylvanus for assisting the Messenger of the Gen- eral Court, the present session,	98 00
Newell, Eliphalet, for taking inquisition on the Body of a person unknown,	21 87
Parker, Stephen, for taking inquisition on the Body of Stephen Rice, a foreigner,	16 90
Pierce, Rufus, for taking inquisition and burial of the the bodies of three persons, unknown,	54 20
Perry John, for assisting the Meslenger of the General Court, the prefent sessiion,	88 00
Rhodes, Amos, for taking inquisition on the body of a black man, name unknown,	20 06
Smith Jonathan, for taking inquisition on the body of Nathan Webster, a foreigner,	16 50
Enock Titcomb, Thomas Harris and John Wells, for set- tling Treasurer's accounts, and transferring the books to Thompson J. Skinner,	70 00
Wells T. John, and Benjamin, for sundries, work and materials, for State House, to February, 1807,	14 16
Whitwell William, for sundry articles, for the use of the Commonwealth,	12 94
West David, for Stationary, for Treasurer's Office, to 8th February, 1807,	32 20

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Walker William, for services done in obedience to order of General Court, of June 18, 1806,	6	00
		2018
Total Miscellaneous Accounts,		17

Aggregate Roll, No. 56, February, 1807,

Expense of State Paupers,	24,301	73
Do. of Militia	4318	71
Do. of Sheriffs	812	57
Do. of Printers	1048	78
Do. of Miscellaneous	2018	17
		32,499
		96

RESOLVED, That there be allowed and paid out of the public Treasury, to the several corporations, and persons, mentioned in this roll, the sums set against such corporations' and persons' names respectively, amounting in the whole, to thirty two thousand, four hundred and ninety nine dollars, and ninety six cents; the same being in full discharge of the accounts and demands to which they refer.

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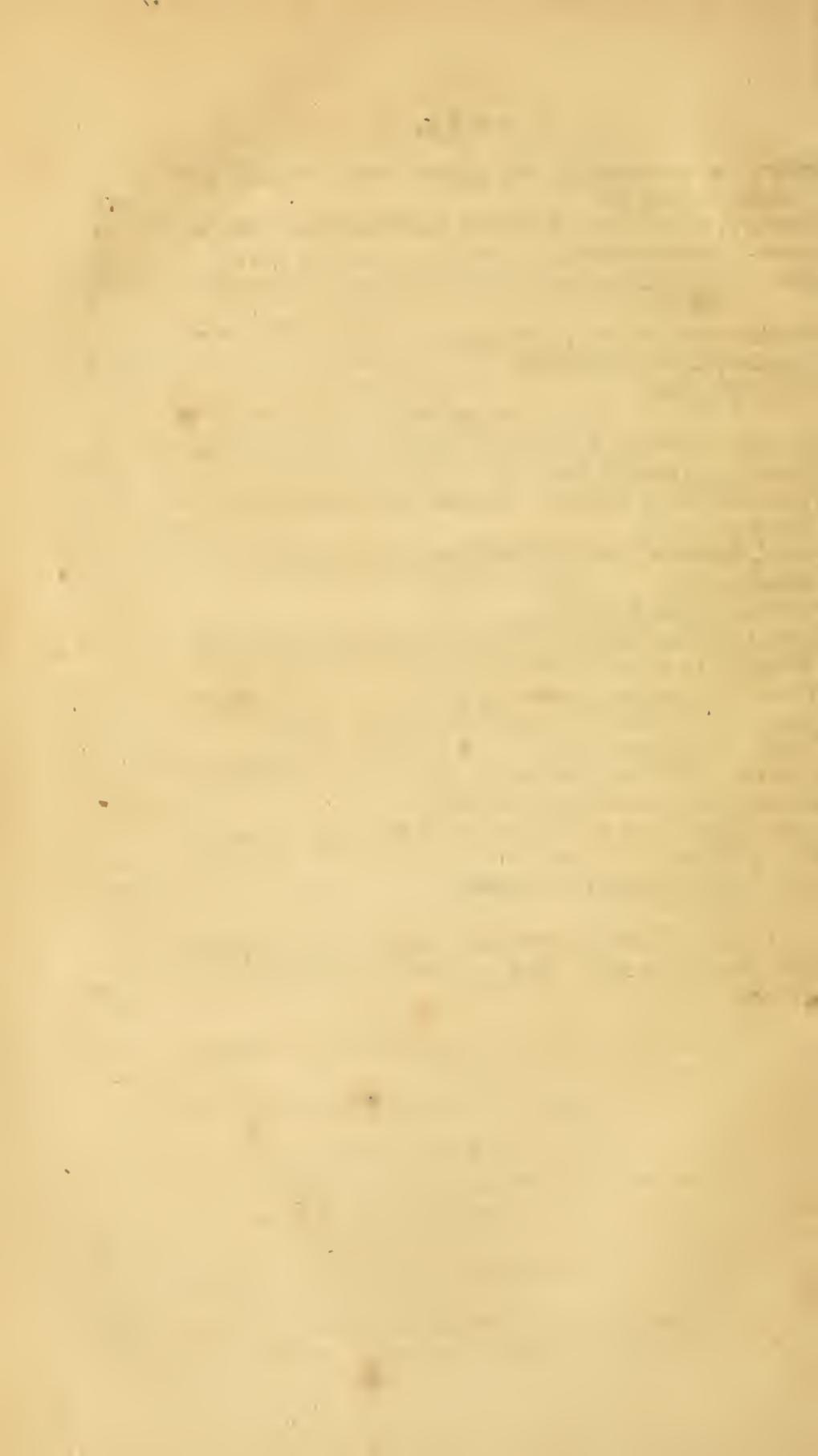
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RESOLVES

OF THE

GENERAL COURT

OF THE

Commonwealth of Massachusetts.

BEGAN AND HELD AT BOSTON, ON WEDNESDAY, THE TWENTY-SEVENTH
DAY OF MAY, ANNO DOMINI ONE THOUSAND EIGHT
HUNDRED AND SEVEN.



BOSTON:
PRINTED BY ADAMS AND RHOADES,
PRINTERS TO THE STATE,

—
1807.

CIVIL LIST
OF THE
COMMONWEALTH OF MASSACHUSETTS,
For the political year 1807—8.

HIS EXCELLENCY

JAMES SULLIVAN, Esq.
GOVERNOR.

HIS HONOUR

LEVI LINCOLN, Esq.
LIEUT. GOVERNOR.

COUNCIL.

Hon. Samuel Fowler,
William Widgery,
Nathan Weston,
Marshall Spring,
Daniel Kilham,

Hon. William Eustis,
Benjamin J. Porter,
Thomas Hazard, jr.
Timothy Newell.

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Berkshire—Hon. Timothy Childs, Azariah Eggleston.

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Cumberland—Hon. Levi Hubbard, James Means.

Lincoln, Hancock and Washington—Hon. George Ulmer, William King.

Kennebeck—Hon. Barzillai Gannet.

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SUFFOLK.

Boston, Jonathan Mason,
William Smith,
Samuel Parkman,
William Brown,
Jonathan Hunnewell,
William Sullivan,
John Welles,
Edw. Tuckerman,
William Phillips,
John Winslow,
Francis Wright,
Stephen Codman,
Redford Webster,
Simon Elliot,
Thomas Perkins,
Benjamin Russell,
Daniel Sargent,
Thomas W. Sumner,
James Lloyd, jun.
John Callender,
Thomas H. Perkins,
Thomas K. Jones,
Benjamin Goddard,
Benjamin Whitman,
John T. Apthorp,
Thomas Danforth,
Charles Davis.

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Salem, John Hathorne,
Wm. Cleveland,
John Southwick,
Joshua Ward,
Wm. Stearns,
Joseph Story,
Joseph Winn,
Joseph Sprague, jun.
B. Crowninshield, jr.

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Nathan B. Martin,
Philip Besom,
John Bailey,
Afa Hooper,
Joshua Prentiss, jun.

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Lynnfield, δ Micajah Newhall,
Aaron Breed,
Ebenezer Hart,
Danvers, Nathan Felton,
Beverly, Thomas Davis,
Abner Chapman,
Gloucester, William Pearson,
Daniel Rogers, jun.
John Somes,
Wm. Pearce, jun.
Caleb Norwood, jr.
Hamilton, Robert Dodge,
Ipswich, Nathaniel Wade,
Jonathan Cogswell,
Rowley, Thomas Gage, jun.
Newbury, Josiah Little,
Newburyport, Mark Fitz,
And'w Frothingham,
Jonathan Gage,
Edward Little,
Stephen Howard,
John Pearson,
Andover, Thomas Kittredge,
John Kneeland,
Boxford, Thomas Perley,
Bradford, Samuel Webster,
Topsfield, Nath'l Hammond,
Salisbury, Jonathan Morrill,
Jonathan Webster,
Amesbury, Christopher Sargent,
Haverhill, James Smiley,
Methuen, Benjamin Osgood.

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Matthew Bridge,
David Goodwin,
Rich'd Frothingham,
Nathaniel Hawkins,
Cambridge, Sam'l Butterfield,
Nath'l P. Watson,
Josiah Mason, jun.
Brighton, Stephen Dana,
Medford, Nathaniel Hall,

HOUSE OF REPRESENTATIVES.

5

*Malden, Jonathan Oakes,
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Waltham, Abner Sanderfon,
Newton, Timothy Jackson,
Weston, Ebenezer Hobbs,
Lincoln, Samuel Hoar,
Lexington, Nathan Chandler,
Sudbury, William Hunt,
East-Sudbury, Jacob Reeves,
Stow and } Eph. Whitcomb,
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Marlboro', John Loring,
Hopkinton, Walter M'Farland,
Holliston, Jason Chamberlain,
Concord, Joseph Chandler,
Woburn, Bill Russell,
Reading, Timothy Wakefield,
Wilmington, Samuel Jaques,
Billerica, Joseph Locke,
Tewkebury, Wm. Simonds,
Chelmsford, Wm. Adams,
Ichabod Gibson,
Carlisle, Ephraim Robbins,
Acton, Jonas Brooks,
Littleton, Simon Hartwell,
Westford, Tho's Fletcher, jun.
Groton, Joseph Moors,
Shirley, Nathaniel Holden,
Pepperell, Joseph Heald,
Townsend, Abner Adams,
Dracut, Israel Hildreth,
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Belchertown, Eliakim Phelps,
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Leverett, James Curtis,
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Samuel C. Allen,
Northfield, Medad Alexander,
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Orange, }*
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Southampton, Frederick Judd,
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Jedediah Taylor,
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Southwick, Joseph Forward,
Granville, Abraham Granger,
Enoch Bancroft,
Blanford, William Knox, 2d.
Chester, Martin Phelps,
Middlefield, Uriah Church,
Worthington, Jonathan Woodbridge,
Chesterfield, Benjamin Parsons,
Deerfield, Ephraim Williams,
Conway, John Bannister,
Ashfield, Ephraim Williams,
Greenfield & } Moses Bascom,
Gill, }*
*Bernardston and } Hez. New-Leyden, } comb, jun.
Stephen Webster,
Colraine, David Smith,*

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Nathaniel Goodwin,
Kingston, John Faunce,
Duxbury, Adam Fish,
Marshfield, Nathaniel Clift,
Pembroke, Isaac B. Barker,*

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Middleboro', John Tinkham,
 Levi Pierce,
 Samuel Pickens,
 Jacob Cushman,
Rochester, Gideon Barstow, jr.
 Jessie Haskell,
Halifax, Nathaniel Morton,
Abington, Nathan Gurney, jr.
Scituate, Charles Turner, jr.
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Hingham, Hawkes Fearing.

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Rehoboth, Elkanah French, jr.
Dighton. John Hathaway,
Somerset, Clark Purinton,
Swanzey, Daniel Hale,
Attleboro', Ebenezer Bacon,
Eastown, John Tisdale,
Norton, Laban Wheaton,
Raynham, Israel Washburn,
Berkley, Appolos Tobey,
Freetown, Wm. Rounsevelle,
New-Bedford, John Hawes,
Dartmouth, Holder Slocum,
Troy, Abraham Bowen.

BARNSTABLE.

Barnstable, Jonas Whitman,
 Eben'r Lothrop,
 Richard Lewis,
Sandwich, John Freeman,
 Benjamin Percival,
Falmouth, David Nye,
 Braddock Dimmick,
Tarmouth, Elisha Doane,
Dennis, Judah Paddock,
Harwich, Benjamin Bangs,
Chatham, Reuben Rider.

DUKES COUNTY.

Edgartown, Thomas Cooke, jr.
Tisbury, John Davis.

NANTUCKET.

Nantucket, Micajah Coffin.

WORCESTER.

Worcester, Samuel Flagg,
 Edward Bangs,
 Ephraim Mower,
 Spencer, Benjamin Drury,
Brookfield, Oliver Crosby,
Western, Joseph Field,
Sturbridge, Oliver Plimpton,
Charlton, John Spurr,
 Samuel Robinson,
 Dudley, Thomas Larned,
Mendon, Joseph Adams,
Milford, Samuel Jones,
Sutton, Jonas Sibley,
 Josiah Stiles,
Oxford, Abijah Davis,
Grafton, Eleazer Leland,
Upton, Ezra Wood, jun.
Shrewsbury, Jonah Howe,
Westboro', Nathan Fisher,
Northboro', James Keyes,
Boylston, James Longley,
Holden, William Drury,
Lancaster, Eli Stearns,
Harvard, Jona. Weatherbee,
 Jonathan Symonds,
Bolton & *Berlin*, Silas Holman,
Sterling, Israel Allen,
New Braintree, Joseph Bow-
 man, jun.
Hardwick, Timothy Paige,
Barre, Elijah Caldwell,
 Afa Walker,
Hubbardstown, John M'Clana-
 than,
Westminster, Jonas Whitney,
Leominster, Abijah Bigelow,
Lunenburg, Edmund Cushing,
Fitchburg, Samuel Gibson,
Winchendon, Wm. Whitney,
Gardner, Jonathan Osgood,
Royalston, Isaac Gregory,
Petersham, Nathaniel Chandler.

HOUSE OF REPRESENTATIVES.

7

BERKSHIRE.

N. Marlboro', Zenas Wheeler,
Sandisfield & } John Picket,
Southfield, }
Tyringham, Joseph Wilson;
Barrington, John Nichols,
Egremont, James Baldwin,
Stockbridge, John Bacon,
W. Stockbridge, Sam'l Barstow,
Lee, Jared Bradley,
Becket, George Conant,
Lenox, Josiah Newell,
Richmond, Zach. Peirson,
Pittsfield, Simeon Griswold,
 John Churchill,
Dalton, Jno. Chamberlain,
Windsor, Amos Holbrook,
Cheshire, Daniel Brown,
Lanesboro' & } S. H. Wheeler,
N. Ashford, }
Williamstown, Wm. Towner,
 Wm. Young,
Adams, Elisha Wells,
Savoy, Joseph Williams.

NORFOLK.

Roxbury, Joseph Heath,
 William Brewer,
 Elisha Whitney,
 Ralph Smith,
Dorchester, Perez Morton,
 Ezekiel Tolman,
 Phinehas Holden,
Brookline, Stephen Sharp,
Dedham, Isaac Bullard,
 John Endicott,
 Sam'l H. Dean,
Needham, Daniel Ware,
Medfield & } Eph. Chenery,
Dover, }
Medway, Jeremiah Daniels,
Milton, David Tucker,
Brantree, Benj. Hayden, jun.
Weymouth, Christopher Webb,
Cohasset, Thomas Lothrop,
Randolph, Thomas French,

Canton, Joseph Bemis,
Stoughton, Lemuel Gay,
Sharon, Jonathan Billing,
Walpole, Asa Kingsbury,
Wrentham, Samuel Day,
 Benjamin Shepard,
Franklin, Joseph Bacon,
Bellingham, Daniel Thurber.

YORK.

York, Alexander M'Intire,
Kittery, Alexander Rice,
Wells, John Storer,
Arundel, Eliphalet Perkins,
Lebanon, David Legro,
Sandford & } Tho's Keeler,
Alfred, } Nath'l Conant jr.,
Phillipsburg, Joseph Atkinson,
Shapleigh, John Leighton,
Parsonsfield, David Marston,
Limington, James Kettell,
Buxton, Samuel Merrill,
 Joseph Woodman,
Saco, William Moody,
 Benjamin Pike.

CUMBERLAND.

Portland, Joseph Titcomb,
 George Bradbury,
 Matthew Cobb,
 William Jenks,
 Joseph H. Ingraham,
Falmouth, John Waite,
 John Jones,
 Samuel Butts,
 James Morrell,
Scarborough, Benj. Larrabee,
 George Hight,
Gorham, Lothrop Lewis,
Gray, Joseph M'Lellan,
N. Yarmouth, A. R. Mitchell,
Freeport, Nathan Wesson,
Brunswick, Robert Given,
N. Gloucester, Isaac Parsons,
 Joseph E. Foxcroft,
Poland, Samuel Andrews.

HOUSE OF REPRESENTATIVES.

LINCOLN.

Wiscasset, Moses Carlton, jr.
Abiel Wood, jr.
Dresden, Sam'l T. Goodwin,
N. Milford, Moses Carlton,
N. Castle, David Murray,
Bristol, Simon Elliot,
Nobleboro', James Perkins,
Thomastown, Mason Wheaton,
Ezekiel G. Dodge,
Warren, Samuel Thatcher,
Camden, Farnham Hall,
Union, Edward Jones,
Bath, Peleg Tallman,
Topsham, Benjamin Hafey,
Litchfield, John Neal,
Lewistown, Joel Thompson.

KENNEBECK.

Augusta, Joshua Gage,
Hallowell, Samuel Moody,
Gardiner, Samuel Jewett,
Monmouth, Simon Dearborn jr.
Greene, Luther Robbins,
Leeds, Daniel Lothrop, jr.
Winthrop, Samuel Wood,
Fayette, Solomon Bates,
Mount-Vernon, John Hovey,
Belgrade, Moses Carr,
Waterville, Elnathan Sherwin,

Pittstown, Thomas Eldred,
Vassalboro', Abiel Getchell,
Winslow, Eleazer W. Ripley.
Clinton, Asher Hinds,
Canaan, Bryce M'Lellan,
Norridgewock, Itha'r Spauldin,
Farmington, Zachariah Norton,
HANCOK.

Castine, Oliver Mann,
Buckstown, Caleb B. Hall,
Orrington, Francis Carr,
Mount Desert, Davis Wasgatt,
Vinalhaven, William Vinal,
Belfast, Thomas Whittier,
Northport, Ebenezer Frye,
Lincolnville, Phillip Ulmer,
Prospect, Henry Black,
Frankfort, Abner Bicknell,
Hampden, Seth Kempton,
Bangor, James Thomas.

OXFORD.

Paris, Elias Stowell,
Buckfield, Enoch Hall,
Turner, John Turner,
Livermore Nathaniel Perley,
Fryeburgh, John M'Millan,
Bethel, Eliphasz Chapman.

WASHINGTON.

Machias, John Dickinson,
East-Port, Oliver Shead.

RESOLVES,

OF THE GENERAL COURT OF MASSACHUSETTS,

PASSED AT THE SESSION BEGAN AND HELD AT BOSTON, ON
WEDNESDAY, THE TWENTY-SEVENTH DAY OF MAY,
ANNO DOMINI 1807.

GOVERNOR'S SPEECH.

STATE-HOUSE, WEDNESDAY, JUNE 3.

At 12 o'clock, the Senators attended in the Representatives' Chamber, agreeably to assignment, when His Excellency the Governor, entered, attended by the Honorable Council and the Sheriff of Suffolk, and delivered the following

SPEECH :

GENTLEMEN OF THE SENATE, AND
GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

I AM induced, by the respect I entertain for you, and by a wish to comply with the usage of this government, to request the indulgence of this meeting.

An attempt to lay before you the consideration of particular measures, which, in my opinion, might tend to the advantage of the Commonwealth, would appear as a piece of ostentation. The time that has elapsed, since I was introduced to the chair, has not been sufficient for a minute review of our internal police. I shall, therefore, by special messages, suggest to you, such matters as shall appear to me to deserve your legislative attention.

Though I do not make a communication to you on the business of this session, yet my constituents, at this interesting crisis, have a right to expect from me, without reserve or equivocation, a declaration of my sentiments on the duties of the office they have called me to sustain. In complying with this, I must, of course, express my ideas of some of the most important general principles of our government.

The Constitution is formed on principles to guard the Legislature from an interference of the executive department; yet, in order to prevent those errors which might otherwise happen, from the hurry of business, or a change of members in either house, it is made a part of the Governor's duty, carefully to revise the acts passed by the legislature, and to propose such objections as he may have to any bill they shall lay before him. In the performance of this important duty, I shall always treat you with the respect due to the legislature of the State. And, as I can have no object in view but the true interest of the Commonwealth, you will receive my objections, should I make any, as offered with an intention to preserve the happiness of the State, and to promote the public welfare. Should a question happen to arise on the constitutionality of a bill, I must submit myself, explicitly, to your candor and justice: for, however we may differ in opinion on the application of the Constitution, in this we shall always agree, that, on an entire preservation of the social compact, by which we exist as a Commonwealth, and which is the supreme law of the legislature itself, the safety and the prosperity of the people depend.

The judiciary department of our government will, invariably, claim the first regard of patriotism. Upon the wisdom and purity of that department, freedom, property, and all the valuable possessions in civil society depend. In all countries, the principles and feelings of the magistrates and judges ought to be in a coincidence with the nature of the government:—This is its principal source of energy..

The judiciary department, being so necessary and important, is an expensive branch of administration. In a State, where an enquiry by grand juries, and trials by petit juries, are fixed by the Constitution as the strong barriers of the people's rights, the modes of punishing crimes, and of obtaining justice, on private demands, are more expensive still. A cheap, ready, and plain manner of obtaining remedies for wrongs, and of compelling the execution of contracts, by fixed, established rules, forms the strongest lines of a good government. Under this impression, the people, in forming the Constitution, declared, that all the judges should hold their offices as long as they should behave themselves well:—And that the judges of the supreme judicial court should have permanent and honorable salaries, established by law.

The office of jurors may be thought by some to be a burden—but if that institution should be abolished, there would no longer be freedom or property. It ought to be guarded by

laws, not only against corruption, but against all undue influence and party prejudice.

There is no doubt, but that improvements may be effected in the jurisprudence of the Commonwealth: and therefore the attention of the legislature will not be withdrawn from it. But in all alterations, a sacred regard will be had to the Constitution:—While the plans adopted shall have such a degree of perfection, as to render them respectable and permanent.

The Governor, being commander in chief of the militia, when they are not in the actual service of the United States, must have a duty devolved upon him, which is of no less consequence to the other States in the Nation than it is to this Commonwealth. When we contemplate the immeasurable shores we give to the sea; the vast extent of territory our national dominion spreads itself over, we are obliged to confess the error, of a reliance on a standing army, for an effective defence against the invasion of a foreign enemy. To preserve the forms of war, with the principles and feelings of military discipline, some regular troops are necessary; but our defence must remain with the militia. They are a perpetual guard against internal commotions; an invincible power to shield a country against its external enemies. The soil must be protected by its owners. This description includes all the people, because all have an equal right to acquire, and possess fee simple estates. Impressed with these sentiments, the militia shall have my unceasing attention throughout the year.

Peace with all the world, is the great object of our National Councils; yet, if we would maintain so invaluable a blessing, we must be prepared to meet every hostile aggression, and to repel every invading insult. A dependence on any other power for assistance, will, finally, involve us in difficulties, from which we cannot extricate ourselves without great expense and danger. A treaty of alliance must open a wide door to the influence of a foreign nation: it would weaken the natural pillars of our national independence.

Europe, as the illustrious Washington has told us, "has a set of primary interests, which to us, have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which, are essentially foreign to our concerns." Those cautious sentiments have been carefully adopted by the present President. From the wisdom, firmness, and moderation of his measures, under the favor of God, we remain the quiet spectators of those wasting wars, which the situation of European powers may have rendered expedient, or

necessary, amongst them, but by which they are deluged in blood, and oppressed with expenses.

Should a suitable proportion of our militia, in the United States, be trained to a proper degree of discipline, and be properly armed, though the first column of an invading enemy might not be instantly repelled, yet the decisive appearance of victory would be soon exhibited on the standard of our union.

It is true, that the art of war, like other arts, is to be most perfectly learned from practise and experience ; but, this a bloody, and an expensive method of acquiring knowledge. In a nation, where it is not received as an established truth, that war is the natural state of man ; in a country, where no invasion is to be expected, but from the error, or rashness, not from the interest, of a foreign power, the art of war may be sufficiently cultivated, at a moderate expense, by military schools, and otherwise, in time of peace. Each State in the nation, has the same interest in the discipline of the militia of the others, as it has in that of its own ; and, therefore, there can be no impropriety in contemplating this, as a subject of national concernment. Whether you, Gentlemen, will conceive it to be your duty, to use your influence with Congress, on an affair of such magnitude, as far as it shall comport with the National and State Constitutions ; or whether you will turn your attention to the militia of your own State alone, I cheerfully submit to your wisdom. But this I venture to affirm, that all neglect, or delay in this business, is incompatible with the safety of the country.

No foreign power will dare to invade our country, in a project of conquest, unless the United States, like the ancient republics, by controversies and animosities amongst themselves, shall furnish their enemies with the hopes as well as the means of success. To preserve a union of interest and sentiment, so absolutely necessary to our existence as a nation, jealousies are to be laid aside ; charity cherished, and a reciprocity of affection and civility to be exhibited. All the States must be the country of the citizens of each, and each State the country of all. Our national union, glowing on the public opinion, is the best defence of our sovereignty : and those who would check it there, would sever the root from whence the tree of Liberty draws, in copious streams, its principal nourishment.

The chief magistrate of the nation, being an elective officer, the voice of the majority, taken according to the forms of the Constitution, must be decisive in the choice : it is the voice of

all. To treat the election with disrespect, is to treat the Constitution with contempt. Nothing can tend more to derogate from the respect due to us as a nation, than an appearance of uneasiness, and dissatisfaction at the forms and principles of our own governments.

GENTLEMEN,

The great improvements in agriculture, the increase of commerce, and the encouragement of the arts in our country, furnish the most satisfactory proofs of the perfection of our political institutions. But the path of public, as well as private prosperity, is to be trodden with care. Governments depending, for their execution, in so great a measure upon the will of the governed, so frequently expressed by their suffrages, demand, for their preservation, great intelligence in the body of the people. To maintain this, our institution of town schools is admirably adapted. These, with the academies and colleges, are rendered indispensable by the nature of our government: and claim the constant attention of the legislature, for their support and encouragement.

The sentiments in regard to public worship, piety, religion, and morality, interwoven with the Constitution of the Commonwealth, so far as we have a right to decide, have had great influence on the people. We observe with great pleasure the erection of edifices for public worship of various denominations in christianity: teachers every where settled and supported; and public devotion generally attended upon.—These circumstances, under our established form of government, which excludes all persecution and intolerance on principles of religion and modes of worship, give to our State a very honorable appearance, in the view of the enlightened part of the world.—The principles and precepts of the gospel, if they are attended to and improved for religious and moral purposes *only*, will always make good men; and good men can never be bad citizens. Upon the literary and religious institutions of the State, our happiness as a people, essentially depends: and I shall rejoice in seeing the legislature attentive to their encouragement and support:—While, at the same time, that freedom of opinion, and those rights of conscience, which are solemnly recognized in the Constitution, are sacredly maintained.

GENTLEMEN,

Government, in its nature, is a concentration of the public opinion to a certain form of public rule. This may be

maintained, in a despotism, by terror ; but in a republic, it must be supported by an attachment of the people to their country—by public virtue. To produce this attachment, the powers of the government must be exerted to give equal advantages to all its subjects : not to create wealth, or exclusive privileges to any ; but in securing to all, respectively, as far as it can be done by general laws, well executed, the enjoyment of the various gifts which God bestows upon them. For, to use the language of our declaration of rights, “ no man, or corporation, or association of men, have any other title to obtain advantages distinct from those of the community, than what arises from the consideration of services rendered to the public.” Where the laws secure to every man the same privileges to acquire and hold property, the wish to accumulate wealth by fair means, and honest industry, is inseparable from patriotism. Enterprize and industry are in the class of public virtues, because they are the unfailing source of wealth to a nation.

A respect to the civil authority, a correct regard to the rights of others, and a ready obedience to the laws, confer on a people a dignity of character, which is intimately blended with the social virtues ; and habitually becomes the strength of a civil community.

Should any one be daring enough to suggest the idea, that the people of Massachusetts are not, in the enlightened situation God has bestowed upon them, under the advantages they are favoured with, and the habits acquired from the manner of their education, competent to the support of a free government, by their suffrages, frequently exercised, such person ought to be restrained, as a dangerous incendiary ; because it is as essentially wrong to speak, as to act treason. Every citizen has an unalienable right to express his opinion upon the administration of the government, and the conduct of his rulers : But there are certain primary principles, which constitute the leading, essential, distinguishing features of an elective republic : These are to be treated with a solemn reverence, and supported by a religious respect.

GENTLEMEN,

I embrace this opportunity, to express the sense I have of the honor done me by my fellow citizens—and to assure them of my firm attachment to the principles of the Commonwealth. They may rely with safety, that it is my determination to exert myself, uniformly, to maintain the dignity and faith of this

State, and to strengthen and consolidate the National Union, on the principles of the National Government. At the same time, I assure you, Gentlemen, that, on my part, nothing shall be omitted, which will render this session pleasant to you, and beneficial to your constituents.

James Sullivan.

ANSWER OF THE HOUSE OF REPRESENTATIVES.

June 5, 1807.

MAY IT PLEASE YOUR EXCELLENCY,

THE House of Representatives feel themselves happy in the communication they have received from your Excellency, replete with sentiments that perfectly coincide with their own, and as they have reason to believe, with those of their constituents in general.

It was not to be expected, that, at so early a period after the auspicious event of your introduction to the chair of government by the suffrages of a free and enlightened people, it would be in your power to take a more "minute review of our internal police," than, it appears, you have actually done.

We shall, with alacrity, attend to "such matters, as, by special messages," your Excellency may see fit to suggest to us.

In the transaction of business, wherein, by the Constitution, the Executive and Legislative departments are vested with concurrent powers, should a difference of opinion, at any time, take place, we shall, with the utmost confidence, rely on the "candor and justice" of your Excellency; and you will have a right to expect the exercise of the same *candor and justice* from us.

The Judiciary department, as it highly deserves, will, we trust, ever receive the most serious attention and respect of the legislature.

We are deeply sensible how important it is, in a government like that of the United States, that particular attention should ever be paid to the Militia of the several States, that compose the Union. To the Militia of this Commonwealth, the most strict and constant attention shall be paid.

ANSWER OF THE SENATE.

From the attention that has been paid to the Militia of the United States, and from the "wisdom, firmness, and moderation" of the present administration, without being over-burthened with the expense of a standing army, or dependent on foreign powers for the aid of mercenary troops, we are under a superintending and kind Providence, exempt from those tremendous scenes of blood and carnage, in which the nations of Europe are now involved.

We are deeply and solemnly impressed with a sense of the high importance, and *absolute necessity* of supporting the NATIONAL UNION ; and in order to this, of cultivating harmony, and mutual good will between the several States that compose the UNION.

Due attention will be paid to the agricultural and mercantile interests of our constituents ; and to the impartial encouragement and support of religious and literary institutions.

That the important station, which, by the suffrages of your fellow citizens, your Excellency has been called to fill, may, under the direction of an all-wise and kind Providence, be found both pleasant to you, and beneficial to them, is the sincere and ardent desire of the House of Representatives.

ANSWER OF THE SENATE.

June 10, 1807.

MAY IT PLEASE YOUR EXCELLENCE,

THE Senate beg leave to offer to you, their sincere congratulations on your election to the office of first magistrate, and to assure you that they view the present period one of the most interesting which has occurred in the annals of our Commonwealth. Our pleasure on this occasion is greatly increased by the consideration, that we have placed at the head of our government, a man whose principles and feelings are in harmony with those of our National Chief.

Our Constitution has wisely assigned distinct limits to the several departments of our government ; a sacred regard to this principle is necessary to ensure harmony, as well as to maintain mutual confidence and respect.

In governments like our own, whose greatest strength consists in the affections of the people, it is of primary importance that the principles and feelings of the magistrates should coincide with the genius of their institutions.

Under our Constitution, trials by jury form a strong barrier to the people's rights : on the due regulation of these, and on the wisdom and purity of the Judges, our lives, liberties and property essentially depend. Objects so important, will always merit, and we trust will receive, the unremitting attention of the Legislature.

The nature and extent of our country, as well as the genius of our government, point to the MILITIA, as our safest guard against internal commotions, and our surest defence against invading foes ; and although we highly approve the system adopted by our national councils, to cultivate peace with all nations ; we shall nevertheless hasten to pay all that attention to this important subject, which our national relations may make proper.

That the will of the majority, constitutionally obtained, shall be binding on the minority, is a first principle of our social compact. This principle has no doubt too frequently been resisted ; we have, however, the satisfaction to believe that the good sense of our citizens is fast correcting an evil, which has derogated from that national character which every good citizen should be proud to maintain.

The general diffusion of knowledge among the people is a main pillar in our political edifice, and the cultivation of piety and morality is essential to our happiness. We contemplate with pleasure the great increase of literary and religious institutions, and shall afford them that patronage which an enlightened policy will always dictate.

The conspicuous part, which your Excellency was called to act, on the great theatre of our revolution ; the distinguished abilities which you exhibited, and the correctness with which you performed the duties of the several stations in which you have been placed under our government, as well as the assurances you now make, leave us no room to doubt, that your administration will be calculated to maintain the dignity and honor of the State, and to strengthen the Union, on the principles of the national compact.

We shall receive with attention such communications as you may from time to time be pleased to make, and you will permit us to assure you, that nothing shall be omitted on our part, which may tend to promote that harmony which will be always desirable, among the several departments of our government.

RESOLVES.

I.

Resolve, on Petition of Clerk of Sessions, County of Plymouth.
June 2, 1807.

Whereas at a term of the Court of General Sessions of the Peace, holden at Plymouth, within and for the County of Plymouth, on the second Tuesday of April last, owing to an interference of the said Court with the Court of Common Pleas, which was holden at the same time and place, the usual estimate of a County tax was accidentally omitted; and whereas it would be highly conducive to the interest of said County, that such a tax should be apportioned, previous to the next term of said Court, regularly by law to be holden:—

Therefore Resolved, That a term of the said Court of General Sessions of the Peace, be holden by the Justices thereof, at Plymouth aforesaid, on the second Monday of June next; and the said Justices of the said Court, are authorized then and there to form an estimate of, and to apportion, a County tax, for the said County of Plymouth, in the same manner as they are by law authorized to do at any established term of said Court, and that a copy of this resolve, be printed in the Independent Chronicle and Columbian Centinel, printed in Boston, as soon as may be.

II.

Resolve, for two Notaries Public, County of Hancock.
June 2, 1807.

Resolved, That two additional Notaries Public be appointed for the County of Hancock, one to reside at Mount Desert; and the other at Hampden.

III.

Resolve, for an additional Notary Public, for the County of Lincoln.
June 2, 1807.

Resolved, That one additional Notary Public be appointed for the County of Lincoln, to reside in the town of Nobleborough.

IV.

Resolve, for an additional Notary, County of Lincoln. June 2, 1807.

Resolved, That one additional Notary be appointed in the County of Lincoln, to reside at Camden.

V.

Resolve, for three additional Notaries, for the County of Washington.
June 2, 1807.

Resolved, That there be three additional Notaries Public appointed in the County of Washington, one to reside at Columbia, one at Plantation number Four, and one at Plantation number Five, on the Schoodic river.

VI.

Resolve, for an additional Notary for the County of Bristol.
June 2, 1807.

Resolved, That one additional Notary Public be appointed for the County of Bristol, to reside in the town of New-Bedford, and in that part called Fairhaven.

VII.

Resolve, for an additional Notary Public for the County of York.
June 2, 1807.

Resolved, That one additional Notary Public be appointed for the County of York, to reside in the town of Berwick.

VIII.

Resolve, for an additional Notary Public for Berkshire.
June 2, 1807.

Resolved, That one additional Notary Public be appointed for the County of Berkshire, to reside in the town of Lenox.

IX.

Resolve, for an additional Notary Public for Rochester, in Plymouth.
June 2, 1807.

Resolved, That one additional Notary public be appointed for the County of Plymouth, to reside in the town of Rochester.

X.

Resolve, for an additional Notary Public for the County of Norfolk.
June 2, 1807.

Resolved, That there be an additional Notary Public appointed in the County of Norfolk, to reside in Cohasset.

XI.

Resolve, establishing the pay of the Council and General Court.
June 4, 1807.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to each of the members of the Council, Senate and House of Representatives, two dollars per day, for each days attendance, the present session; and the like sum for every ten miles travel, from their respective places of abode, to the place of the sessions of the Legislature. *And be it further resolved,* that there be paid to the President of the Senate and the Speaker of the House of Representatives, each two dollars per day, for each and every days attendance, over and above their pay as members.

XII.

Resolve, granting Trustees of Portland Academy power to sell certain premises. June 6, 1807.

Upon the petition of the Trustees of Portland Academy, in the County of Cumberland, setting forth that they have agreed to sell to the town of Portland their old Academy and land belonging to it, situate in that town, and bounded as in and by a deed thereof from Enoch Ilsley, Treasurer of said town, to the said Trustees, bearing date 29th December, A. D. 1798, may appear:

Also further shewing, that a sale of part of the land lately purchased by them of Sarah T. Chase, and bounded as by her deed thereof to them, dated 9th May last, will appear, might be effected to great advantage, and praying to be authorized and empowered to fulfill and carry into effect their agreement with the town of Portland, and to sell and convey such part of the premises purchased of said Sarah T. Chase, as they shall think can best be spared without prejudice to the lot reserved for the Academy—and of the premises sold and to be sold as aforesaid, to make and execute good and proper deeds thereof to the purchasers;

Resolved, That said Trustees be, and they are hereby authorized and empowered to sell and convey the premises, both or either as above payed for, on such terms and for such consideration as they shall think right—And thereof to make and execute good and proper deed or deeds, with or without warranty, as they shall think proper—And any deed or deeds thereof signed by their Treasurer in their behalf, or by any one of the Trustees, for that purpose, appointed at any of their meetings, and by such Treasurer or Trustee acknowledged, and sealed with the seal of the Corporation, shall bind the Corporation, and pass and convey its right, title, interest and estate, (thereby intended to be conveyed) to the purchaser or purchasers, fully and effectually to every intent and purpose whatever.

XIII.

Resolve, granting a tax to the County of Lincoln, for the purpose of building a Gaol and Gaol House. June 6, 1807.

On the petition of Peleg Tallman, Esq. and others, a Committee appointed by the Court of General Sessions of the Peace, for the County of Lincoln, at their session at Wiscasset, on the second Monday of May 1807, to apply to the Legislature for authority to raise by tax on the inhabitants of the County, the sum of five thousand dollars, for the purpose of building a Gaol and Gaol House at Wiscasset:—

Resolved, For reasons set forth in said petition, that the sum of five thousand dollars be, and hereby is granted, as a tax for said County of Lincoln, for the purpose of building a Gaol and Gaol House at Wiscasset, in said County; to be apportioned, assessed, collected and applied for the purposes aforesaid, and according to law.

XIV.

Resolve, on the petition of Jacob Welsh, directing the Solicitor General to defend the Commonwealth against the claim of James Martin, to certain lands in Townsford, and 100 dollars granted. June 9, 1807.

On the petition of Jacob Welsh, praying for the assistance of the Commonwealth in defence of certain suits brought by James Martin, to recover the possession of certain lands in Townsford, in the County of Middlesex, which were conveyed by this Commonwealth with warranty:—

Resolved, For reasons set forth in said petition, that the So-

Solicitor General of this Commonwealth be, and he hereby is authorized to appear in behalf of said Commonwealth, in the suit now depending in the Court of Common Pleas, in the County of Middlesex, brought by the said James Martin, against William Cunningham and Jacob Welsh respectively, for the recovery of parts of said lands conveyed to Jacob Welsh as aforesaid, to examine into the title of the said James Martin, to the same lands, and the said Solicitor General is hereby further authorized and required, on behalf of this Commonwealth, to defend against the claim of said Martin in said suit, if he shall think it expedient, and not otherwise; and to substitute any other person or persons to do and transact the said business in his stead, or any matter or thing there to be appertaining, at his discretion:—

And be it further resolved, That his Excellency the Governor, with the consent of the Honorable Council, be, and hereby is authorized and requested to issue his warrant on the Treasurer for such sum, not exceeding one hundred dollars, as the Solicitor General shall apply for, to defray the necessary expences of any of the services hereby required, for which sum the said Solicitor General is to be accountable.

XV.

Resolve, allowing Joseph Hosmer, Esq. 20 dollars for the apprehension of Nathan Shepherdson. June 9, 1807.

On the petition of Joseph Hosmer, praying to be allowed twenty dollars, as a reward given by him for taking up Nathan Shepherdson, for reasons set forth in said petition:—

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the said Joseph Hosmer, the aforesaid sum of twenty dollars, and that his Excellency the Governor be requested to issue his warrant for that purpose.

XVI.

Resolve, on the petition of Edward Whipple and others, authorizing the Governor to raise a Company of Cavalry in Ipswich and Hamilton. June 9, 1807.

On the petition of Edward Whipple and others, praying for leave to raise a Company of Cavalry in the towns of Ipswich and Hamilton:—

Resolved, That his Excellency the Governor, with the advice of Council, be, and he hereby is authorized to raise by volun-

tary enlistment, a Company of Cavalry in the towns of Ipswich and Hamilton, to be annexed to the second Regiment, second Brigade and second Division of the Militia of this Commonwealth;—provided, that the standing companies in said towns shall not thereby be reduced below the number of sixty-four, rank and file, of effective men.

XVII.

Resolve on the petition of Samuel Watts and others, for a company of Light Infantry in Buxton and Phillipburg.

June 9, 1807.

On the petition of Samuel Watts and others, praying that they may establish and organize a company of Light Infantry, to be raised in the towns of Buxton and Phillipburgh, in the County of York, in the third Regiment, first Brigade, sixth Division of the Militia of this Commonwealth:

Resolved, That his Excellency the Governor, with advice of Council, be, and he is hereby authorized to raise by voluntary enlistment, a company of Light Infantry, in the towns of Buxton and Phillipburgh, in the County of York, to be called The Buxton and Phillipburgh Light Infantry Company;—provided the standing companies in said towns shall not be reduced below the number required by law, and when so raised to be annexed to the third Regiment, first Brigade, and sixth Division of the Militia of this Commonwealth, and shall be subject to all the rules and regulations as are, or may be provided by law, for the government of the Militia of this Commonwealth.

XVIII.

Resolve on the petition of Robert Anderson and others, for a company of Cavalry, in Otisfield.

June 9, 1807.

On the petition of Robert Anderson, William Swett, Thomas Weston, and Ephraim Kneeland, officers of the company of Cavalry, in the town of Otisfield, praying that they may be allowed to complete the enlistment of said company, from any of the towns within the fifth Regiment, second Brigade and sixth Division of the Militia of said Commonwealth:

Resolved, That the officers of the company of Cavalry, in the town of Otisfield, be, and they are hereby authorized to complete the enlistment of said company, and from time to time

to fill up the same from any of the standing companies aforesaid; provided, such enlistment does not reduce any of the standing companies below the number prescribed by law.

XIX.

Resolve on the petition of Phineas Varnum and others, for a company of Artillery, in Portland. June 9, 1807.

On the petition of Phineas Varnum and others, praying that they may establish and organize a company of Artillery, in the town of Portland, within the first Regiment, second Brigade and sixth Division of the Militia of this Commonwealth:

Resolved, That his Excellency the Governor, with the advice of Council, be, and he is hereby authorized to raise by voluntary enlistment, a company of Artillery, in the town of Portland, in the County of Cumberland, provided the standing companies in the said town, shall not be reduced below the number required by law, and said company shall be subject to all such regulations and restrictions as are, or may be provided by law for the government of the Militia of this Commonwealth.

XX.

Resolve for raising an Artillery Company in Brunswick.
June 13, 1807.

On the petition of Samuel Page and others, praying for leave to raise a company of Artillery in the town of Brunswick, in the county of Cumberland:

Resolved, For reason set forth in said petition, that his Excellency the Governor, by and with the advice of Council, be authorized to raise by voluntary enlistment a company of Artillery in the sixth Regiment, second Brigade, and sixth Division of Militia of this Commonwealth—and to be established in the town of Brunswick—Provided, the standing companies in said Regiment, are not reduced below the number required by law. Said company to be subject to all such rules, regulations, and restrictions, as are or may be provided by law for governing the Militia of this Commonwealth.

XXI.

Resolve on the petition of Jonah Westover and others, authorizing Simon Learned and others to examine into the title and claims of the petitioners, to lands claimed by this Commonwealth, in the County of Berkshire. June 13, 1807.

The Committee of both houses to whom was referred the petition of Jonah Westover and others, to consider and report, and who were ordered to take into their consideration all petitions and papers on the files of either house, relating to lands in possession of the petitioners, report the following Resolve, which is submitted.

GEORGE BLISS, per order.

Whereas the General Court of this Commonwealth, on the twenty-first day of February, in the year of our Lord, one thousand eight hundred and seven, passed a resolve, authorizing Simon Learned and Moses Hopkins, Esq's, to take possession and make sale of the unappropriated lands belonging to the Commonwealth within the County of Berkshire—and to pay to the heirs of John Burghardt, late of Great Barrington, in said County, deceased, the proceeds of the sale of seven hundred acres of an average value in full satisfaction of a grant to John Burghardt, made February 12th, 1774; and whereas after the said Simon Learned and Moses Hopkins, had made some progress in performing the duties assigned them by said resolve, Jonah Westover and others, claiming land under a sale from an Indian woman, named Nicoñamos; and Abner Kellogg and others, claiming lands called the Gore, at the session of the Legislature in May, 1805, petitioned to be quieted in the possession of the lands respectively possessed by them, and claimed as the property of said Commonwealth, and John Burghardt, the 3d, in behalf of the heirs of said John Burghardt, deceased, has petitioned the General Court, that compensation may be made for said grant to his ancestor:

Resolved, That Simon Learned, Moses Hopkins and Azariah Eggleston, Esq's, or any two of them, be and they are hereby authorized and empowered, at the expense of the said Jonah Westover and others, possessors of said lands claimed by the Commonwealth, to examine into the title and claims of the said petitioners, and all other persons possessing lands in said County of Berkshire, which has been, or now is claimed by the said Commonwealth, and to settle with the said possessors of such lands upon such terms and conditions, and for such considerations as they or any two of them shall determine to be just and

equitable, and thereupon to quiet such possessors in their possessions, and to execute sufficient deeds releasing the right of the Commonwealth to said lands.

And it is further resolved, That there be, and there hereby is granted to the heirs of the said John Burghardt, deceased, the sum of seven hundred and fifty dollars, to be paid them in such proportions as they are by law entitled to receive the same, in full satisfaction of said grants, made in the year 1774 and 1804; to be paid out of the proceeds of the sale of the lands herein mentioned, or from the proceeds of the sale of any other lands in said County of Berkshire, in the hands of said Simon, Moses, and Azariah; or either of them, in case so much shall be in their hands, and the said Commissioners are hereby directed to pay the same sum accordingly;—provided however, and this grant to said heirs of said Burghardt, is upon condition that the said heirs shall receive the same in full satisfaction of said grant made February 21, 1804, and of all claims and demands which they may have on this Commonwealth, and shall discharge the same accordingly.

And the said Simon, Moses, and Azariah, shall, as soon as may be, make return for their doings to the General Court for the time being, and shall render an account of the sums by them received and paid as aforesaid.

XXII.

Resolve to discharge the Hon. Jonathan L. Austin, Esq. Secretary of the Commonwealth, from 120 dollars advanced to him to pay extra Clerks. June 16, 1807.

The Committee on the petition of Jonathan L. Austin, Esq. Secretary of the Commonwealth, having examined his accounts for the expenditure of one hundred and twenty dollars, paid him out of the Treasury, by a resolve of the 28th of February last, find them right cast and well vouch'd.

Resolved, That Jonathan L. Austin, Esq. Secretary of the Commonwealth, be discharged of the sum of one hundred and twenty dollars, granted him by a resolve of the 28th February last, for the pay of extra Clerks, in the Secretary's office, he having accounted for the same.

XXIII.

Resolve confirming the doings of the inhabitants of Hiram Plantation, in raising and levying taxes. June 16, 1807.

On the petition of the inhabitants of the plantation of Hiram, in the County of Oxford, setting forth, that by reason of the operation of the several tax acts, previous to the year 1806, relative to the apportionment of taxes upon the polls and estates of the inhabitants of said plantation, doubts have arisen as to the legality of the proceeding of the said plantation in raising, levying and collecting the taxes in that plantation, before the time aforesaid; and praying for relief in the premises.

Resolved, For reasons set forth in said petition, that the doings of the said inhabitants in raising and levying the taxes aforesaid, be, and the same are hereby confirmed and rendered valid, and that any collector or collectors, who have been, or may hereafter be appointed in said plantation or town of Hiram, for the purpose of collecting the taxes aforesaid, is hereby authorized and empowered to collect the said taxes in the same way and manner as other town taxes are collected; and any warrant made and signed by said assessors, authorizing and empowering said collector or collectors, to collect said taxes, shall be good and valid to all intents and purposes; the deficiency in the qualification of the voters in said town, and any law to the contrary notwithstanding.

XXIV.

Resolve authorizing two or more of the Justices of the Supreme Judicial Court, to hold a Court at the next term at Castine, in the County of Hancock. June 16, 1807.

Resolved, That the next term of the Supreme Judicial Court, to be holden at Castine, in the County of Hancock, for the Counties of Hancock and Washington, may be holden by any two or more Justices of the same Court, any law to the contrary notwithstanding.

XXV.

Resolve discharging David and Samuel Partridge, from certain Judgments, they paying costs. June 16, 1807.

On the petition of David Partridge and Samuel Partridge, both of a plantation unincorporated, called Thomson Pond, in the County of Cumberland; praying to be exonerated from two

judgments in favor of the Commonwealth, recovered at the last term of the Supreme Judicial Court, holden at Portland, in and for the said County of Cumberland, on the fourth Tuesday of May, 1807, the one against said David Partridge, for the sum of fifty dollars, debt and cost of court taxed at nineteen dollars and two cents, the other against the said Samuel Partridge, for the sum of fifty dollars, debt and cost of court, taxed at nineteen dollars and twenty-four cents :

Resolved, For reasons in said petition set forth, that the said petitioners be, and are hereby severally discharged from the judgments aforesaid ; provided, that within six months after the passing of this resolve, they respectively pay, or cause to be paid to the Solicitor General, for the time being, the amount of the bills of cost recovered severally against them as aforesaid.

XXVI.

Resolve on the petition of Simon Ricker, of Shapleigh, authorizing Agents on Eastern Lands to sell a certain gore of land in Sandford. June 16, 1807.

On the petition of Simon Ricker, praying for liberty to purchase a small gore of land in the town of Sandford, adjoining his grist mill, on a stream, called Mousom River, and is described on a plan of said land made by Nathaniel Perkins, containing eighteen acres and thirty rods :

Resolved, That the agents for the sale of Eastern Lands, be, and they are hereby authorized and empowered to sell and convey unto the said Simon Ricker, or any other person or persons, the aforesaid described gore, within the limits of the town of Sandford, within this Commonwealth, for such sums, and on such conditions as said agents shall deem just and reasonable.

XXVII.

Resolve requesting the Governor to solicit the President of the United States, to propose and adopt measures with the government of Great-Britain, for the settlement of a boundary line, between lands of the United States, in Massachusetts and those belonging to Great-Britain. June 16, 1807.

Whereas, there is reason to apprehend that great inconveniences and much expense to the citizens of this Commonwealth, do, and will probably ensue from a delay to adjust and determine the boundary line between the lands belonging to the United States of America, which lie within the State of Massa-

chusetts and those belonging to the United Kingdom of Great Britain and Ireland :

Be it therefore Resolved, That His Excellency the Governor, be, and he hereby is desired to request the President of the United States to propose to, and adopt such measures with the government of the United Kingdom of Great Britain and Ireland, as he may deem proper, to produce a settlement and determination of the boundary line aforesaid, between the lands aforesaid.

XXVIII.

Resolve, granting Simon Crosby 130 dollars. June 16, 1807.

On the petition of Simon Crosby,

Resolved, That one hundred and thirty dollars, be allowed, and paid out of the public Treasury, to Simon Crosby, late a private soldier, in the second regiment of Light Dragoons, commanded by colonel Sheldon, in the late Continental Army, conformable to a resolve passed the eleventh day of November, A. D. Seventeen hundred and Eighty-four :—And his Excellency the Governor, with the advice and consent of Council, is hereby requested to issue his warrant accordingly.

XXIX.

Resolve, granting Justices of the Peace liberty to grant a license to Smith Copeland. June 17, 1807.

On the petition of Smith Copeland, shewing that he has been at great expense in hiring and furnishing a dwelling-house, in the town of Northampton, in the County of Hampshire, heretofore used as a Tavern, and licensed as such at the last September term, of the Court of General Sessions of the Peace, within and for said County, and that he came into possession thereof since said license was granted, with a view to keep a Tavern therein—but that the Selectmen of said town have neglected and refused to approbate him for that purpose :

Resolved, For reasons set forth in said petition, that any two Justices of the Peace within and for said county, be, and they are hereby authorized and empowered to grant the said Smith license to keep a Tavern, in the said house wherein he resides, the remainder of the year, without any approbation signed by the Selectmen ; which license, when so granted and certified by said Justices to the Clerk of the Court of General Sessions of the Peace within and for said County, shall have the same force,

effect, operation and continuance, as if the said Court of General Sessions of the Peace, at said term, had by law granted said Smith Copeland such license.

XXX.

Resolve, empowering John L. Sullivan to dispose of certain real estate. June 17, 1807.

On the petition of John L. Sullivan, praying to be empowered to dispose of certain real estate:

Resolved, For the reasons set forth in the petition of John L. Sullivan, that he be, and he hereby is, authorized and empowered, to sell and convey real estate, whereof he is seized and possessed in right of Elizabeth, his wife, and by deed or deeds duly and legally executed, to convey any estate whereof he is seized in his own right, and to bar any claim of dower she might have therein; and that all deeds by him duly executed, shall be sufficient to convey any real estate whereof he is seized, either in his own, or in her right to all intents and purposes, as if she were in possession of her reason, and had joined with him in the execution of such deeds and conveyances.

XXXI.

Resolve, on petition of Thomas Davis, empowering Jonathan Marsh, Esq. to fulfill certain contracts. June 17, 1807.

On the petition of Thomas Davis, praying that Jonathan Marsh, Esq. one of the executors of the last will and testament of Cutting Moody, late of Newburyport, deceased testate, may be authorized and empowered to complete and fulfill certain contracts made in writing between said Cutting Moody, and said Thomas Davis and William Davis, for the sale of a certain tract of land laying in the town of Buxton, in the County of York, by said Moody, to said Thomas Davis and William Davis:

Resolved, That the said Jonathan Marsh, Executor as aforesaid, be, and he hereby is authorized and empowered to fulfill and carry into full execution the contracts aforesaid, upon the performance of the conditions contained in said contract by said Thomas and William, and on their part to be performed, to execute such deeds of said land as said Moody contracted to execute to said Thomas and William, and as he would have been obliged to execute had he been in full life, and said deeds so executed, shall be equally valid, as though made by said Cutting Moody.

XXXII.

Resolve, for County Taxes. June 18, 1807.

Whereas the Treasurers of the following Counties, have laid their accounts before the Legislature for examination, which accounts have been examined and allowed; and whereas the Clerks of the Courts of General Sessions of the Peace, for the said Counties, have exhibited estimates, made by the said Courts, of the necessary charges likely to arise within the said several Counties for the year ensuing; and of the sums necessary to discharge the debts of the said Counties:—

Resolved, That the sums annexed to the following counties, be, and the same are hereby granted as a tax, for each county respectively, to be apportioned, assessed, paid, collected and applied, for the purposes aforesaid, according to law:—

	Dollars.
Middlesex, seven thousand seven hundred dollars,	7,700
Plymouth, three thousand three hundred and 44 dols.	3,344

XXXIII.

Resolve, establishing the salaries of the Lieut. Governor, Secretary, and Treasurer. June 18, 1807.

Resolved, That for one year from the last day of May last, the sum of five hundred and thirty-three dollars and thirty-three cents, shall be the pay of his Honor the Lieut. Governor; to be paid out of the Treasury of this Commonwealth, in quarterly payments, as the same shall become due. That there be allowed and paid to Jonathan L. Austin, Esq. Secretary, seven hundred and seventy two dollars and twenty-four cents, which with seven hundred twenty seven dollars and seventy-six cents, he has received in fees before the thirty first day of May last, shall be in full for his services as Secretary of this Commonwealth, for one year from the first day of June current, being at the rate of Fifteen hundred dollars by the year, to be paid in quarterly payments, as the same shall become due; he to be accountable for fees received in his office in future.

That from the first day of June instant, there be allowed and paid out of the public Treasury, the sum of two thousand dollars to the Treasurer and receiver General of this Commonwealth, for his pay in that office, for one year; to be paid in quarterly payments.

XXXIV.

Resolve, for paying Thomas and Andrews, and Manning and Loring, for printing and binding 1200 sets of the Laws.

June 18, 1807.

Resolved, That the Governor, with advice and consent of the Council, be, and are hereby authorized and requested to draw a warrant on the Treasurer, to pay to Manning and Loring the sum that will be due to them for twelve hundred copies of a third volume of Laws, according to a contract between them and a committee of the Commonwealth, under a resolve passed in June last. Also, a warrant to pay to Thomas and Andrews the sum of five thousand and one hundred dollars, that may be due to them for twelve hundred sets of two volumes of Laws, according to their contract with a committee of the Commonwealth, under a resolve passed in January last; upon their respectively producing to the Governor and Council certificates under the hand of the Secretary, that they have delivered the books according to their respective contracts—and that the contracts aforesaid, for the purpose aforesaid, be lodged in the hands of the Secretary.

XXXV.

Resolve on the petition of Ethel Burch, of West-Stockbridge, authorizing two Justices to license him to sell Liquors. June 19, 1807.

On the petition of Ethel Burch of West-Stockbridge, in the County of Berkshire, praying, for reasons set forth in his petition, that two Justices of the Peace may be authorized to license him to sell foreign distilled spirituous Liquors, in the said town :

Resolved, That any two Justices of the Peace, within and for the said County of Berkshire, be, and they hereby are, authorized and empowered to license the said Ethel to sell foreign distilled spirituous Liquors, within the said town of West-Stockbridge, agreeably to the prayer of his petition, he complying with the rules and requisition of the law in such case made and provided; any law to the contrary notwithstanding.

XXXVI.

Resolve, on the petition of John Peck, granting further time to settle families on certain land. June 19, 1807.

On petition of John Peck, of Newton, in the County of Middlesex :

Resolved, For reasons set forth in said petition, that a further time of six years from the first of March last, be allowed to said Peck, his heirs and assigns, to settle twenty-five families upon said Township, numbered Seven, in the county aforesaid:

And that if said Peck, his heirs and assigns, shall, within said time, settle the said number of families, including what may be already there, on said Township, that then the estate, right, and title of said Peck; his heirs, and assigns, shall be valid, full and effectual, to all intents and purposes, as if the conditions of settlement, expressed in the original deeds, given of said township by the committee, appointed by the General Court, to sell and convey the unappropriated lands in the District of Maine, had been fully and seasonably complied with: Provided, nevertheless, that the said Peck, shall, on or before the first day of December next, give Bond to this Commonwealth, in the sum of Fifteen hundred Dollars, with sufficient surety or fureties, to the satisfaction of the agents for the sale of Eastern Lands, conditioned, that the said number of twenty-five families shall, within the said term of six years, be settled on said Township, or for the payment of Thirty Dollars for each family which shall then be deficient.

XXXVII.

Resolve on the petition of Harvey Utley and others, authorizing the raising a Company of Light Infantry, in Palmer, Ware and Monson. June 19, 1807.

Resolved, For reasons set forth in said petition, that his Excellency the Governor and Commander in Chief, be authorized to raise by voluntary enlistment, a company of Light Infantry, in the towns of Palmer, Ware and Monson, and when so raised to be annexed to the fifth Regiment, first Brigade and fourth Division of the Militia of this Commonwealth; provided, the standing companies in said towns are not reduced below the number required by law;—said company to be subject to all such rules, regulations and restrictions as are or may be provided by law for governing the Militia of this Commonwealth.

XXXVIII.

Resolve, appointing a Committee to examine the different ways from the Bridge of Augusta to Bangor, and ascertain the best route for a road. June 19, 1807.

On the petition of James Stevens and others, praying that a Committee may be appointed to examine the different ways in

which a road may be made from the Bridge at Augusta, on the Kennebeck River, to the town of Bangor, near the head of the tide, on the Penobscot River; and to ascertain the best rout for the same:

Resolved, That the Hon. Jonathan Maynard, Esq. Moses Hodgdon, Esq. and Mr. John Whiting, jun. be a Committee, at the expense of the petitioners, to explore and lay out a Road four rods wide, in the most direct route the nature of the ground and the accommodation of the public will admit, from the Bridge at Augusta, on the Kennebeck River, to the town of Bangor, near the head of the tide on the Penobscot-River, and to form an estimate of the expense of cutting, clearing and making said road, including the necessary bridges and causeways, and present the said estimate at the next session of the General Court, with a plan of the same; and the said Committee shall give public notice, of the time and place of their meeting, for the purpose aforesaid, by publishing the same in the Kennebeck Gazette, and Eastern Argus, three weeks successively, the last publication to be ten days, at least, before the time of their meeting.

XXXIX.

Resolve on the petition of John Watson and others, staying Execution.
June 19, 1807.

Upon the petition of John Watson, Henry Prentiss, and Bartholomew Cheever, praying that Execution upon a certain judgment may be stayed, which judgment was rendered against them and Moses Gill, Esq. at the last term of the Supreme Judicial Court, holden at Worcester, within and for the County of Worcester, in favor of Nathaniel Paine, Esq. Judge of Probate, &c. for said County of Worcester, and execution in favor of Thomson J. Skinner, Esq. Treasurer of said Commonwealth, was ordered to issue for a debt due to said Commonwealth from the estate of his late honor Moses Gill, deceased:

Resolved, For reasons set forth in said petition, that the Clerk of the Supreme Judicial Court, for the County of Worcester, be, and he is hereby directed to stay the issuing execution, in favor of said Treasurer; upon the judgment aforesaid, for the full term of eighteen months, from the passing of this Resolution; provided, that a stay of execution in manner aforesaid, shall in no wise be construed to hinder the issuing execution upon the same judgment after the expiration of said term, notwithstanding more than one year may then have elapsed after the rendering the judgment aforesaid; and provided also, that

the said Watson, Prentiss and Cheever, shall first give bond to said Treasurer, with sufficient surety or sureties, for the use of said Commonwealth, with condition to pay to the Commonwealth, at the expiration of said eighteen months, the amount of said Judgment and interest thereon until paid.

XL.

Resolve on the petition of William Paul and others, authorizing the sale of land belonging to the Society, in the towns of Dighton, Rehoboth and Swansey. June 19, 1807.

On the petition of William Paul and others, inhabitants of the several towns of Dighton, Rehoboth and Swansey, in the County of Bristol, praying for liberty to sell the old Meeting-House and land, round about and adjoining the same, in Dighton aforesaid :

Resolved, For reasons stated in said petition, that the deacons, together with the committee of the Baptist society, in the towns of Dighton, Rehoboth and Swansey, be, and they are hereby empowered, to sell and convey the land belonging to the said society, in the said town of Dighton, in the county of Bristol, containing about one quarter of an acre, more or less, together with the old Meeting-House, standing on said land, the property of the said Baptist Society, and to give and execute good and sufficient Deeds of the same, and the proceeds of the said sale, shall be deposited in the Treasury of the said Society, subject to their order and disposal.

XLI.

Resolve on the petition of Benjamin Hichborn and others. June 19, 1807.

The Committee of both houses to whom was committed the petition of Benjamin Hichborn and others, praying that the Legislature of this State, would request the Executive to make representations to the government of the Union, in favor of compounding their claims to certain lands which they claim under an act of the Legislature of the state of Georgia, passed January 7, 1795, and which has since been ceded by the same state to the United States, have attended service—and ask leave to report by proposing the following resolve, viz.

On the petition of Benjamin Hichborn and others, praying the Legislature of this Commonwealth to interpose its kind and

friendly aid; by empowering the Executive of this Commonwealth to solicit the government of the United States to afford them relief:

Resolved, That his Excellency the Governor, be, and he hereby is empowered and requested to make such representations to the government of the United States, as he may think expedient, and the nature of the petitioner's case may require, in favor of an amicable adjustment of their claims.

XLII.

Grant to the Messenger, Mr. Jacob Kuhn. June 19, 1807.

Resolved, That there be allowed and paid out of the public treasury, to Jacob Kuhn, three hundred and fifty dollars, for the present year, commencing the thirteenth day of May last, to be in addition to the sum of four hundred dollars, allowed him by a resolve of March the twenty sixth, 1793, establishing the pay of the Messenger of the General Court.

XLIII.

Resolve directing the Secretary to cause to be printed 600 correct copies of the Constitutions of Massachusetts and United States, &c.
June 19, 1807.

Whereas, on examining the Constitution, printed in a small book, for the use of the General Court, several errors are found therein; and it being necessary there should be correct copies of the same:

Sect. 1. *Resolved*, That the Secretary be, and he is hereby directed to procure to be printed on good type and paper, 600 correct Copies of the Constitution of this Commonwealth, conformable to the original on parchment; enrolled in the Secretary's office, and to be attested to be a true Copy by the Secretary. Also, the same number of copies of the Constitution of the United States, to be added thereto, with all the amendments to it which have been adopted, with proper marginal references to each section and article, of both of said Constitutions, and to have added in the title page of the book—*ordered by the General Court, for the use of the Government*, to be well bound and lettered on one side—*For the General Court, and on the back as usual.*

Sect. 2. *Be it further resolved*, That the Secretary be, and he is hereby directed to make a written contract for printing said Constitutions, with the printers to the General Court, or any

other printer, who shall do the work best and cheapest; and when the books aforesaid are completed and delivered into the Secretary's office, to lay the accounts for the same before the Governor and Council, for their examination and allowance, who are hereby authorized to draw a warrant on the Treasurer, for the payment thereof.

XLIV.

Resolve, empowering Horatio G. Balch, Esq. to let or lease the Meadows on the Commonwealth's Lands, in the County of Hancock.

June 19, 1807.

Whereas, by a resolve of this Commonwealth, passed February 5, 1807, appointing Horatio G. Balch, Esq. Superintendent of Indian Affairs for Penobscot Tribe, vesting him with certain powers, as expressed in said resolve; but no provision being made for the care of the meadows on the Commonwealth's land:

Therefore Resolved, That Horatio G. Balch, Esq. Superintendent of Indian Affairs for the Penobscot Tribe, be, and hereby is authorized to let, or lease, annually, all the meadows on the land of this Commonwealth, upon or adjoining Penobscot River, in the County of Hancock, and render to the General Court yearly a true account of his doings; and that any person who shall cut any grafts, standing or growing on any of the lands belonging to this Commonwealth as aforesaid, shall forfeit and pay treble the value of any such grafts so cut, fell or removed to be recovered in any action, or actions of trespass in any Court proper to try the same, and it shall be the duty of said Superintendent, to give seasonable information, of any trespasses upon the aforesaid lands, or any offences against the provisions of this Resolve, to the Attorney or Solicitor General, who are hereby directed, to prosecute for, and recover all penalties, or forfeitures which may accrue, by virtue of this resolve.

XLV.

Resolve for paying a balance due to the Superintendent of the State Prison and making a further appropriation. June 19, 1807.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth to Daniel Jackson Esq. Superintendent of the State Prison, the sum of six thousand and five hundred dollars including the balance now due to the said Jackson, and that his Excellency the Governor, by and with advice of Coun-

cil, is hereby authorized to issue his warrant in favor of the said Daniel Jackson in his said capacity, he to be accountable for the same in the next settlement of his accounts.

XLVI.

Resolve on petition of Betsey Foster, now Betsey Goodell, authorizing the Judge of Probate of Worcester to re-examine her administration Accounts. June 19, 1807.

On petition of Betsey Foster, late of New Braintree, Widow, now Betsey Goodell, wife of Abel Goodell, of Monson, in the County of Hampshire, Esq. administratrix on the estate of Daniel Foster, late of New-Braintree, Clerk:

Resolved, For reasons set forth in said petition, that the Judge of Probate, for the County of Worcester, be directed to re-examine the administration accounts of said Betsey Goodell; and correct any errors, which he may find in said accounts, and to deduct any sum, or sums of money, which said Betsey, may have by mistake charged herself with, from the balance, which appears to remain in her hands.

XLVII.

Resolve for leasing the Province-House for one year. June 19, 1807.

Resolved, That the Treasurer, and Secretary, of this Commonwealth be, and they are hereby authorized and directed, to lease out the Province-House, (so called) and its dependencies from the day of the expiration of the present lease, to the first day of July, which will be in the year of our Lord, one thousand eight hundred and eight; the rent to be paid into the Treasury in quarterly payments.

XLVIII.

Resolve on the petition of Phinehas Kimball, authorizing the raising a new company of Light-Infantry, in New-Salem and Wendell. June 19, 1807.

On the petition of Phinehas Kimball, and others, praying for leave to raise a company of Light-Infantry in the towns of New-Salem and Wendell, in the County of Hampshire:

Resolved, For reasons set forth in said petition, that his Excellency the Governor, and Commander in Chief, be authorized to raise by voluntary enlistment, a company of Light Infantry, in the towns of New-Salem, and Wendell, provided the stand-

ing companies in said towns, are not reduced below the number required by law—said company, to be subject to all such regulations and restrictions, as are, or may be provided by law, for governing the militia of this Commonwealth.

XLIX.

Resolve on petition of Philo H. Washburn and others, authorizing a company of Light-Infantry, in Frankfort, in the County of Hancock. June 19, 1807.

On the petition of Philo H. Washburn and others, inhabitants of the town of Frankfort, in the County of Hancock, praying for leave to raise a Light-Infantry company:

Resolved, That his Excellency the Governor, with advice of Council, be, and he is hereby authorized, to raise by voluntary enlistment, a company of Light-Infantry, in the town of Frankfort, in the County of Hancock, provided the standing companies in said town shall not be reduced below the number required by law: and when so raised, to be annexed to the third Regiment in the first Brigade, and tenth Division, of the Militia of this Commonwealth, and shall be subject to all such rules, regulations, and restrictions, as are, or may be provided by law for the government of the Militia of this Commonwealth.

L.

Resolve on the petition of Samuel W. Phelps, authorizing the raising a company of Light Infantry, in Marblehead. June 19, 1807.

On the petition of Samuel W. Phelps and others, praying for leave to raise a Light Infantry Company in the town of Marblehead, in the county of Essex:

Resolved, For reasons set forth in said petition, that his Excellency the Governor, with the advice of Council, be, and he is hereby authorized to raise by voluntary enlistment, a company of Light Infantry, in the town of Marblehead, provided the standing companies in said town, are not reduced below the number required by law: said company to be subject to all such rules, regulations and restrictions as are or may be provided by law for governing the Militia of this Commonwealth.

LI.

Resolve, authorizing the raising a company of Light Infantry in Camden, in the County of Lincoln. June 19, 1807.

On the petition of Tilson Gould and others, praying for leave to raise by voluntary enlistment, a company of Light Infantry, in the town of Camden, in the county of Lincoln, within the fourth Regiment, first Brigade, and eighth Division of the Militia of this Commonwealth :

Resolved, That his Excellency the Governor, with the advice and consent of Council, be, and he is hereby authorized and empowered to raise by voluntary enlistment, a company of Light Infantry, in the town of Camden, in the county of Lincoln, within the fourth Regiment, first Brigade and eighth Division of the Militia of this Commonwealth ; provided the standing companies in said town are not thereby reduced below the number prescribed by law ; said company when raised, to be subject to all such rules and regulations, as are or may be provided by law, for governing the Militia of this Commonwealth.

LII.

Resolve, granting a Pension to Israel Morgan. June 19, 1807.

On the petition of Israel Morgan :

Resolved, That there be allowed and paid out of the Public Treasury, fifty dollars by the year, to Israel Morgan, in consideration of the loss of his right foot, while on military duty.

LIII.

Resolve, for paying the Committee on Accounts. June 19, 1807.

Resolved, That there be allowed and paid out of the Public Treasury, to the committee appointed to examine and pass on accounts presented against the Commonwealth, for their attendance on that service, during the present session, the sums annexed to their names respectively, in addition to their pay as members of the Legislature.

Hon. Thomas Hale,	Nineteen days,	19 dollars.
Hon. David Perry,	Nineteen days,	19 "
Silas Holman, Esq.	Nineteen days,	19 "
William Young, Esq.	Nineteen days,	19 "
Nathan Fisher, Esq.	Fifteen days,	15 "
which sums shall be in full for their services aforesaid.		

LIV.

Resolve on the petition of James Young, jun. June 20, 1807.

On the petition of James Young, jun. late a captain of a company of Infantry, in the third Regiment, first Brigade and eighth Division of the Militia of this Commonwealth, praying that the sentence of a division Court-Martial, given against him on the first day of December last, may be so far reversed and annulled, as that he may be capable of holding any military office to which he shall be at any time hereafter elected or appointed:

Resolved, For reasons set forth in said petition, that the sentence of said Court-Martial, so far as respects said James Young, jun. being adjudged incapable of holding any military commission under this Commonwealth, for four years, be, and hereby is reversed; and the said James Young, jun. is hereby declared capable of holding any military office under this Commonwealth, to which he may be at any time hereafter, constitutionally elected or appointed, the said sentence of the said Court-Martial to the contrary notwithstanding.

LV.

Resolve granting Jonathan Ware, of Conway, 631 dollars and 85 cents, to satisfy judgment, recovered against him by the administrator of the estate of John Murray. June 20, 1807.

On the petition of Jonathan Ware, praying that the Commonwealth would pay the sum of one thousand and eighty-one dollars and forty-three cents, the amount of the judgment for the debt and costs, recovered against him, in the Circuit Court of the United States, on a bond held by Daniel Murray, administrator on the estate of John Murray, absentee, said petitioner having given a bond to the Commonwealth for said debt, by virtue of a resolve passed February 1, 1796:

Resolved, For reasons set forth in said petition, that there be, and hereby is granted to the said Jonathan Ware, the sum of six hundred and thirty-one dollars and eighty-five cents, which together with four hundred and forty-nine dollars and fifty-eight cents, the balance due on the bond of the said Jonathan, now in the Treasury of the Commonwealth, which bond the Treasurer is hereby authorized to cancel, will be in full of said judgment; and that his Excellency the Governor, be requested to draw his warrant on the Treasurer for said sum of six hundred and thirty-one dollars and eighty-five cents.

LVI.

Resolve, authorizing Ephraim Lawrence to file a plan, in the Secretary's Office, with the act for regulating the Fishery in Merrimac river, proposed the 16th day of March, 1805. June 20, 1807.

Upon the petition of Ephraim Lawrence, praying that he may be allowed to file the copy of a plan which is referred to, in the act aforesaid, entitled "an Act in addition to an Act entitled an Act to regulate the catching of Salmon, Shad and Alewives, and to prevent obstructions in Merrimac-River, and in the other rivers and streams, running into the same, within this Commonwealth, and for repealing several acts hitherto made for that purpose," which plan has been certified by the Hon. Jonathan Maynard, Esq. one of the committee who made the original plan, to be a true copy thereof, may be filed in the office of the Secretary of this Commonwealth, with the act aforesaid, and when so filed, shall be as valid and effectual, to all intents and purposes, as the original plan aforesaid, would have been, any thing in the act aforesaid to the contrary notwithstanding.

LVII.

Resolve for paying the Chaplain and Clerks of both Houses.
June 20, 1807.

Resolved, That there be allowed and paid out of the Public Treasury, sixty dollars to the Rev. Thomas Baldwin, Chaplain to the Legislature; to John D. Dunbar, Esq. Clerk of the Senate, and to Charles P. Sumner, Esq. Clerk of the House of Representatives, one hundred and fifty dollars each, in full for their services aforesaid, the present session; and to Geo. E. Vaughan, Esq. Assistant Clerk of the Senate, one hundred dollars, and to Thos. Wallicut, Assistant Clerk of the House of Representatives, one hundred dollars, which sums shall be in full for their services respectively, the present session of the General Court.

LVIII.

Resolve for the sale of Transferable Stock, and purchase of State Notes. June 20, 1807.

Resolved, That the Treasurer of this Commonwealth, be, and he is hereby authorized and empowered to make sale of the whole or any part of the ten certificates of the six per cent Stock of the United States, amounting to seventy-six thousand six

hundred and eighteen dollars and seventy-four cents, which Stock is the property of this Commonwealth, and is transferable. And one Certificate of three per cent Stock, for two thousand four hundred and sixty-eight dollars and ninety-five cents, which stock, is also the property of this Commonwealth, and is transferable :

Provided however, that the said six per cent Stock shall not be sold under par, and the said Certificate of three per cent Stock shall not be sold for less than sixty-seven per centum.

And be it further resolved, That the President of the Senate, Speaker of the House of Representatives and Treasurer, of this Commonwealth, be, and they are hereby directed to invest the proceeds arising from the sale of any of the said Stocks in the purchase of the notes of this Commonwealth.

And be it further resolved, That there be allowed and paid to the said persons, so appointed, as a compensation for the services herein prescribed, three-fourths of one per centum on the amount of the notes of this Commonwealth, which they may purchase by virtue of this resolve.

And be it further resolved, That there shall not be paid, in purchase of said notes, more than in the proportion of one hundred dollars for one hundred dollars amount of the notes of this Commonwealth.

LIX.

Resolve, for the Secretary to pay Assistant Clerks. June 20, 1807.

Resolved, That there be allowed and paid out of the Public Treasury, three hundred dollars, unto Jonathan Loring Austin, Secretary of this Commonwealth, for pay for assistant Clerks, employed to expedite the public business, he to be accountable for the same, and that his Excellency the Governor, be requested, by and with the advice and consent of the Council, to draw his warrant on the Treasurer accordingly.

LX.

Resolve on the petition of Frederick Spence, directing the Sheriff of Suffolk to discharge him. June 20, 1807.

On the petition of Frederick Spence, shewing, that ever since the thirty-first day of March last, he has been confined in the gaol in the County of Suffolk, by virtue of an execution in favor of this Commonwealth, amounting to the sum of sixty-two

dollars and forty-two cents; and that he is wholly unable to pay any part of said sum, or to support himself in prison:

It is therefore Resolved, That the whole of the aforesaid sum, amounting to sixty-two dollars, and forty-two cents, be, and hereby is remitted to said Frederick Spence, and that the Sheriff of the County of Suffolk, be and he hereby is directed to discharge the said Frederick Spence from prison, provided the said Spence be not there confined by virtue of an execution, or mesne process in favor of any individual, or individuals, or for any cause other than the execution before mentioned.

LXI.

Resolve on petition of James Parnell Hyde, directing the Sheriff of Suffolk to discharge him. June 20, 1807.

On the petition of James Parnell Hyde, shewing, that ever since the third day of March last, he has been confined in the goal in the County of Suffolk, by virtue of two executions, in favor of this Commonwealth, against the said Hyde, amounting to the sum of one hundred and fourteen dollars, and ninety-seven cents, each, and that he is wholly unable to pay any part of said sum, or to support himself in prison:

It is therefore Resolved, That the whole of the sums contained in the aforesaid executions, amounting to two hundred and twenty-nine dollars, and ninety-four cents, due, by virtue of the two executions aforesaid, be, and hereby are remitted to him, the said Hyde, and that the Sheriff of the County of Suffolk, be and he hereby is directed to discharge said Hyde from prison, provided the said Hyde be not there confined by virtue of any execution, or mesne process in favor of any individual or individuals, or for any cause other than the two executions before mentioned.

LXII.

Resolve directing the Attorney General to stay proceedings against settlers in the District of Maine, and giving said settlers a further time to make payment. June 20, 1807.

Whereas by a resolve of the General Court, passed the 3d day of March 1806, the Attorney General was directed to eject certain settlers on the lands belonging to this Commonwealth, in the District of Maine, who should fail of completing the payment for the lots on which they had settled respectively, on or before the 3d day of March 1807, and whereas it appears that the said payments are not yet fully completed;

Therefore Resolved, That the said Attorney General, be directed to stay his proceedings relative to the same, until the 28th day of February next, and the agents for the sale of eastern lands are directed in the mean time, to receive any monies which the said settlers may pay, and to make out the deeds of their respective lots, in the usual manner; any thing in the said resolve of March 3d, 1806, to the contrary notwithstanding.

LXIII.

Grant to the Messenger to purchase Fuel, &c. June 20, 1807.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to Jacob Kuhn, Messenger of the General Court, the sum of eight hundred dollars, to enable him to purchase fuel, and such other articles, as may be necessary for the use of said Court; he to be accountable for the expenditure of the same.

LXIV.

Resolve, setting aside the proceedings of a Court Martial, relative to Joseph Loring, jun. June 20, 1807.

The Committee of both Houses, on petition of Joseph Loring, jun. have attended the duty assigned them, and now report, That the said Loring received a Commission, dated August 15, 1803, as Captain of an Infantry Company, raised at large in the town of Boston, styled the Washington Infantry—at this time Charles Davis commanded a Ward Company of Infantry in the same town, by virtue of a Commission dated April 6th, 1803,—afterwards, *viz*—on the 7th day of June, 1804, he was elected by the Boston Light Infantry, and received a Commission as Captain of said Company, of the last date; and afterwards was placed in the line below said Captain Loring, in conformity to the dates of their respective commissions.—On the 20th June, 1805, a General Order was issued by the Commander in Chief, directing Captains Messenger, Loring and Davis, to receive new Commissions, that Captain Davis should take rank of Captain Loring, notwithstanding the dates of their respective Commissions; and that Capt. Loring should receive a Light Infantry Commission to command an Infantry Company, although his Subalterns then held and still hold Infantry Commissions;—to this Order Capt. Loring objected, as unconstitutional and illegal, because it took from him a Commission without his consent, and because it assigned to Capt.

Davis a priority of rank, not derived from the date of his Commission : he represented his case to the Commander in Chief without effect, and was arrested in Oct. 1805, for abetting his company to mutiny, and on other charges, of all which he was acquitted in December of the same year ; but was held in arrest until April, 1806—afterwards said Loring forwarded to the Commander in Chief his wish that he might be permitted to resign : this communication was laid before the Council, but not until he had been again arrested for refusing to acknowledge the said Davis as his superior officer, and to it he never received an answer. This last arrest was in September, 1806, and in the succeeding month, in pursuance of orders from Major General Elliot, he was tried by a Court Martial, sentenced to be removed from office, and disqualised from holding any Military Commission under this Commonwealth for the term of three years. The said Loring also complains, that the members of this Court Martial were not regularly detailed, and that by this means he has been deprived of a fair and impartial trial :—

Your Committee are of opinion, That the General Order of the 20th of June, 1805, is unconstitutional, because no officer, duly commissioned, can be removed from his office, but by the address of both Houses to the Governor, or by fair trial in Court Martial, and because the property of an individual cannot be taken from him but by legal process :

The power of organizing, arming, and disciplining the Militia, is expressly vested in the Government of the United States, and Congress have exercised this power by an act, passed May 8th, 1792 ; this act must be binding on the Militia of this Commonwealth ; for the acts of Congress, made in pursuance of the Constitution of the United States, are paramount to our state laws, and even to our state Constitution ; The people of this Commonwealth in adopting the constitution of the United States, have declared the same, and all laws made in pursuance thereof, to be the supreme laws of the land, the Constitution, or laws of any state to the contrary notwithstanding : The right of determining rank is incident to the power of organization, and has been positively determined in the 8th Section of said act of May 1792, in these words : “ That all commissioned officers shall take rank according to the date of their Commissions.” The General order aforesaid, having for its object, the establishment of rank in a manner repugnant to the said Act of 1792, your committee are of opinion, must therefore be illegal.

In the declaration of rights, Art. 17th, it is said, that the military power shall always be held in exact subordination to the civil authority, and be governed by it. It is also said, Art. 22d, that the Legislature ought frequently to assemble for the redress of grievances. If the power of redressing all wrongs is inherent in our government, of which we think there can be no doubt, we think it must be obvious that this power, being vested in no other body, must rest in the Legislature, and may be exercised respecting the Military with as much propriety as towards the Civil concerns of the Commonwealth. It will be recollect that this power has been constantly exercised in setting aside the proceedings of Judicial Courts, for apparent errors in their proceedings, or by reason of their not having had that fair and impartial trial which is contemplated by the Constitution. This is not assuming the Judicial power, if the Citizen is not thereby deprived of a new trial.

The petitioner has proved by the records of the Court Martial, and by original papers in the case, that the members were not regularly detailed, by reason whereof he has not had that fair and impartial trial to which every citizen is entitled. The regular detailment of the members of a Court Martial is as necessary to a fair trial as the regular impannelment of a Jury; for if the principle of detailment by regular rotation is permitted to be infringed, the rights and characters of inferior officers, may be placed wholly at the mercy of superiors, whom they may be so unfortunate as to offend.

From these considerations, your committee are of opinion, that the proceeding of said Court Martial should be set aside, in order that the said Loring may have a fair and impartial trial; they therefore offer the following Resolve, which is submitted.

A. HILL, *per order.*

Whereas, it appears that Joseph Loring, jun. a Captain of the Militia in the town of Boston, has been tried, sentenced to be removed from office, and adjudged incapable to hold any military commission under this Commonwealth, for the term of three years, by a Court Martial, begun and holden at Boston on the 28th day of October, A. D. 1806, and whereas it appears that some of the members of said Court Martial were not regularly detailed, and that said Joseph Loring, jun. has not had that fair and impartial trial to which he was entitled, and has petitioned this Court for redres :

Therefore Resolved, That the proceedings of said Court Martial, relative to the said Joseph Loring, jun. be, and the same are hereby wholly set aside,

LXV.

Resolve, on the petition of Abraham Munroe, directing the Attorney or Solicitor General to defend him in a suit commenced by Oliver Eager and wife. June 20, 1807.

On the petition of Abraham Munroe, praying that the Attorney General may be directed to defend a certain suit commenced by Oliver Eager and his wife, plaintiffs, in error, to reverse a judgment for the confiscation of certain Tracts of Land, lying in the County of Worcester, which suit is now pending in the Supreme Judicial Court in the County of Worcester :

Resolved, That the Attorney General, or Solicitor General, of this Commonwealth, be, and he hereby is authorized and directed to appear and defend said Suit, and to do therein whatever is expedient to be done for the interest of the Commonwealth.

LXVI.

Resolve, on the petition of Isaac Chamberlain, directing the Treasurer to discharge a Mortgage Deed. June 20, 1807.

On the petition of Isaac Chamberlain, praying for liberty to exchange Securities with the Treasurer of this Commonwealth :

Resolved, That the Treasurer be, and he hereby is authorized and empowered to discharge a mortgage deed of certain Lands, lying on the east side of Penobscot River, in the County of Hancock, dated January 22, 1802, made by said Chamberlain, and lodged in the Treasurer's Office, as collateral security for the payment of his bond, of the same date, for the sum of six hundred and forty-four dollars and twenty cents ; and to receive in lieu thereof, a Mortgage deed of certain real estate, situate in the town of Chelmsford, in the County of Middlesex, as he shall judge sufficient to secure the payment of the said bond : Provided however, that said Chamberlain shall pay and discharge all the interest due on said bond at the date of the last mentioned mortgage.

LXVII.

Resolve, granting pay to the Clerks in the Treasurer and Secretary's Offices. June 20, 1807.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the two Clerks in the Treasurer's

Office, and to the first Clerk in the Secretary's Office, three dollars and eighty-four cents per day; and to the other two Clerks employed in the Secretary's Office, three dollars per day, for each day they may be employed in said Offices respectively, from the first day of June, instant, to the first day of June, one thousand eight hundred and eight.

LX-VIII.

Resolve, appointing Charles Turner, jun. Esq. to explore and mark out the most direct route from Penobscot River to the Eastern line of the State. June 20, 1807.

On the petition of Simon Packard and others, and also the petition of Samuel E. Dutton and others, praying that a Road may be laid out from Penobscot River to the Eastern line of the Commonwealth, and to the River St. Johns, Report the following resolve, which is submitted.

J. MAYNARD, *per order.*

Resolved, That Charles Turner, jun. Esq. be, and hereby is appointed a Surveyor to explore and mark out a route, in the most direct course the land will admit of, from the Penobscot River, through the lands formerly sold to Jackson and Flint, to any part of the public Grants, located on the Eastern line of the Commonwealth, and so on north (through the township of Mars-Hill, granted to the old Soldiers) until it shall strike the River St. Johns.

Be it further resolved, That the Governor, with the advice of Council, be requested to draw his warrant on the Treasurer, for the sum of five hundred dollars, to enable the said Turner to carry the foregoing Resolve into effect, he to be accountable for the expenditure of the same.

Roll No. 57. June 1807.

THE Committee on accounts, having examined the several accounts they now present,

REPORT, That there are due to the corporations and persons hereafter mentioned, the sums set to their names respectively; which, when allowed and paid, will be in full discharge of the said accounts to the several dates therein mentioned.

Which is respectfully submitted,

THOMAS HALE, *per order.*

<i>Pauper Accounts.</i>	D. C.
Amesbury, for boarding, clothing, nursing and doctoring Jonathan Sidwell, to the 18th May, 1807,	71 75
Adams, for boarding, clothing and nursing Freeman Blakely, and Susannah Camp, to 22d May, 1807, and Catharine, an Indian woman, to the time of her death including funeral charges,	69 67
Brookfield, for boarding Luke Finney and George Baslington, to the 20th May, 1807,	49 20
Belchertown, for boarding, clothing and nursing Amos Ames and Wife, to 25th May, 1807, and David Chamberlain, to the time of his death, including funeral expenses,	117 32
Barnstable, for supporting John Larrabee, to the time of his death, including funeral expenses,	117 73
Bradford, for boarding and clothing Joshua L. Alfars, to 1st June, 1807,	36 75
Bridgwater, for boarding and clothing William Blackley and Frederick Bingner, to 1st June, 1807, and Benjamin Palmer to the time of his death, including doctor's bill for said Palmer, and funeral expenses,	75 05
Becket, for boarding, clothing, nursing and doctoring Prince Starkweather and his family, and Daniel Lamphier, to 23d May, 1807,	63 22
Boxborough, for boarding and clothing John M'Coy, to 28th May, 1807,	57 94
Barre, for boarding, clothing and nursing Priscilla Humphreys and John C. Dandrick, to 28th May, 1807,	60 43
Boston, for boarding, clothing and nursing sundry Paupers, to 1st June, 1807,	5252 82
Carlisle, for boarding and clothing Robert Barber, to 23d May, 1807,	85 85
Cheshire, for boarding and clothing Ephraim Richardson, to 23d May, 1807,	79 18

Chelmsford, for boarding, clothing and doctoring Catharine M'Clenny, to 27th May, 1807,	46 41
Charlestown, for supporting sundry state Paupers, to 4th June, 1807, including funeral charges for Joseph Casley,	179 93
Cape-Elizabeth, for boarding George J. Hays, James Ramfbottom and Abraham Birks, to 22d May, 1807,	70 30
Concord, for boarding and clothing William Shaw, to 6th June, and Geo. Black, to 24th March, and Benjamin Weeks, to 21st March, 1807,	51 48
District of Dover, for boarding, clothing and nursing Patrick Cowin, to 3d June, 1807,	100 10
Dunstable, for boarding, nursing and doctoring Margaret Lane, to 4th June, 1807,	21 06
Dracut, for boarding, doctoring and nursing Nehemiah Jaques, to the time of his death, including funeral charges, and Lucy Jaques, to 1st June, 1807,	78 49
Danvers, for boarding, clothing and nursing John J. Hiers and Jane Duckerdy, to 5th June, 1807,	37 92
Deblois, George for taking care of the State Paupers in the Alms-house in Boston,	370 07
East-Hampton, for boarding and doctoring John Hall, to 25th May, 1807,	34 73
Egremont, for boarding, nursing and necessaries furnished Lucy Van-Guilder and her infant child, from June 23d to July 12th, 1807,	17 50
Fayett, for boarding and clothing William G. Martin, to 19th May 1807,	87 69
Florida, for the support of four children, of Amos Eldridge, to 23d May, 1807,	31 99
Freetown, for boarding, clothing, nursing and doctoring, John Conoly, to the time of his death, including funeral charges,	73 75
Gill, for boarding Sarah Hamlin顿, to 25th May, 1807,	15 72
Granville, for supplies for Archebald Stewart, to 20th May, 1807,	12 31
Gorham, for supporting Robert Gilfilling, to 21st May, 1807,	28 50
Granby, for boarding, clothing and doctoring Ebenezer Darvin and John Murry, to 2d June, 1807,	56 89
Gloucester, for boarding, clothing, doctoring and nursing sundry Paupers, to 10th May, 1807,	349 22

Greenwich, for supplies, doctoring and nursing the widow Elizabeth Harrington and family, to 15th May, 1807,	25 48
Hamilton, for boarding, clothing and doctoring Mary Moncrief, to 1st February, 1807,	78 61
Haverhill, for doctoring William Tapley, to 25th May, 1807,	15 00
Hodgkins Joseph, keeper of the house of correction, in Ipswich, for boarding and clothing sundry Paupers, to 1st June, 1807, including an allowance made by the Court of Sessions, to 4th April, 1807,	394 72
Ipswich, for boarding, clothing and doctoring John Obrian, to 1st June, 1807, and H. Pentland, wife and child, to 13th March, 1807,	182 99
Leyden, for supporting Jedediah Fuller, his wife and one child, and Elizabeth Wagoner and her daughter to 22d May, 1807,	49 65
Leomister, for boarding Joseph Hyde, to 31st May, 1807,	22 85
Laneborough, for boarding and clothing Dent Harrison, to 31st May, 1807,	75 00
Lenox, for boarding, clothing and doctoring Abraham Palmer and child, to 29th May, 1807, and Joseph Smith to the time he went out of the Commonwealth, and Hannah, an Indian woman, when sick, to her recovery,	70 07
Lincolnville, for boarding and clothing Alexander White and Isabel Woolly, to the 13th May, 1807,	186 05
Mount-Vernon, for boarding and clothing David Bassford to 18th May, 1807,	101 23
Marlborough, for boarding, clothing, doctoring and nursing Daniel Stilson, to 18th February, 1807, the time of his going out of the Commonwealth,	32 43
Montague, for supplies, for Joshua Searl, to 1st June, 1807,	31 83
Milton, for boarding and clothing Thomas Webster, John Murry, Rebecca Welsh and four children, to 9th June, 1807,	86 10
Medard, St. Peter, for doctoring State Paupers in the Alms-House in Boston, to 15th May, 1807,	400 00
Northfield; for supporting Richard Kingsbury, to 20th May 1807,	23 40
Newbury, for boarding, clothing, doctoring and nursing sundry Paupers, to 1st June, 1807,	703 01

RESOLVES, June 1807.

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Newburyport, for boarding, clothing, doctoring and nursing fundry Paupers, to 1st June, 1807,	1240 10
New-Salem, for boarding and clothing two of widow Olive Bedient's children, to 6th April, 1807, and George Fie, nine weeks,	52 18
Nantucket, for supplies for James Plato, and Dicky, a black man, to 1st June, 1807,	60 09
Palmier, for boarding and clothing William Mendon, to 28th May; 1807,	65 62
Rehoboth, for boarding and clothing Susanna, an Indian woman, to May 24th 1807,	11 22
Swanzey, for boarding and clothing Manuel Dusnips, and Sally Robbin's child, to 24th May 1807, and Deborah Blinkins, to the time of her death, including funeral charges,	53 00
St. George, for supporting Elenor Mathews, to 25th May, 1807,	30 00
Salein, for boarding, clothing, doctoring and nursing fundry paupers, to 4th June, 1807,	761 33
Sidney, for boarding and clothing two children of Anna Lyon, to 1st January, 1807,	50 95
Troy, for boarding and clothing Francis Brow, to 21st February, 1807,	94 84
Topsfield, for boarding, nursing and doctoring Thomas Comerford, to 22d May 1807,	31 25
Uxbridge, for boarding, clothing and taking care of Betty Trifle, David Mitchell, and Patience Hazard, to 31st May, 1807,	195 00
Vassalborough, for boarding and doctoring John Hall, to 20th May, 1807,	40 55
Vinalhaven, for boarding and clothing William Proctor, to 2d April, 1807,	68 11
West-Springfield, for boarding, clothing, doctoring and nursing Godfrey Wagoner, William Bell, Sarah Felt's child, to 24th May, 1807, and John Hatch, to the time of his moving out of the Commonwealth,	110 54
Washington, for boarding, clothing and doctoring the widow Phebe Clark, to 24th May, 1807,	60 00
West-Stockbridge, for boarding, clothing, doctoring and nursing Joel White, to the time of his going out of the Commonwealth,	38 76
Windfor, for boarding and clothing Henry Smith, and his wife to 1st April, 1807,	19 76
Wareham, for boarding, clothing, doctoring and nurs-	

ing Alexander Fraser, to the time of his death, including funeral charges,	97 54
Warwick, for boarding and clothing Samuel Griffeth, to 1st June, 1807,	27 16
Worcester, for boarding and clothing Peter Willard, Jack Melvin, Wilber Osborn, Henry Kane and Sarah Cook, to 1st June, 1807, including Doct. Green's bill for said Wilber Osborn,	120 18
Williamstown, for boarding and nursing Rachel Galusha, Morris Fowler, Stephen Blue, Robert Morrell and Charles M'Carter, to 23d May, 1807, and Storry Lamphier, to the time of his going out of the Commonwealth,	144 75
York, for supporting Edward Perkins and his wife, Mary Crocker, Nicholas Tuttle and Sarah Avery, to 9th June, 1807,	114 80
Total, Pauper Accounts	14368 1Q

Military Accounts.

Courts Martial, and Courts of Enquiry.	
Hammatt William, for expense of a Court Martial, held at Bridgewater, on the 6th and 7th September, 1806, whereof Col. Silvanus Lazell, was President,	71 53
Hammatt William, for expense of a Court Martial, held at Bridgewater in October, 1806, whereof Gen. Bates, was President,	106 33
Hammatt William, for expense of a Court Martial, held at Plymouth, in February, 1807, Gen. Bates, President,	80 16
Bastow Sumner, for expense of a Court Martial, held at Mendon, in April, 1807, Col. Burbank, President,	109 42

Brigade Majors, and Aid-de-Camps.

Blish Joseph, to 30th December, 1806,	17 52
Clap Jeremiah, to 20th April, 1807,	118 52
Gannett Barzillai, to 1st May, 1807,	19 53
Hight William, to 10th February, 1807,	61 87
Wood Sampson, to 30th	180

Adjutants.

Blossom Abden, to 1st January, 1807,	12 15
Boyd Willard, to 8th January, 1807,	37 75
Baily Libbus, to June, 1807,	28 05
Dickson Walter, to June 2d, 1807,	16 50

RESOLVES, June 1807.

55

Houghton Thomas, to 27th	1807,	11 98
Heald Jonas, to 23d April, 1807,		17 98
Heath Ebenezer, to 1st June, 1807,		55 21
Joy Moses, to 2d June, 1807,		48 50
Keith Cyrus, to 2d June, 1807,		14 64
Libby Nathaniel, to 4th May, 1807,		17 00
Ormsbe Abraham, to 1st January, 1807,		14 88
Partridge Samuel, to 16th April, 1807,		13 69
Phelps Abel, to 29th April, 1807,		16 36
Ward William, to May, 1807,		24 57
Weston B. Jonathan, to 10th December, 1807,		14 24
Wight James, to 16th May, 1807,		17 75
Williams John, to June, 1807,		26 68
Smith Moses, to 10th May, 1807,		13 55

Expense, Horses to haul Artillery.

Brick John, to October, 1806,	5 00
Blafland S. William, to 15th May, 1807,	5 00
Cobb Daniel, to 11th October, 1806,	24 00
Danforth Thomas, to June, 1807,	10 00
Lewis James, to 9th June, 1807,	7 00
Maynard Eli, to 1st January, 1807,	5 00
Nurse Lawfson, to 1st October, 1806,	15 00

Total Militia Accounts, 1121 08.

Sheriffs' Accounts.

Bridge Edmund, for returning votes for Governor, Lieut. Governor, Counsellors, Senators and Federal Representatives, for 1806 and 1807,	65 52
Barrett Joseph, keeper of Concord Goal, for board- ing and clothing Bazeleel Branck, Jonathan Rob- inson, Henry Farnwell, John Oakley, and Thomas Gleason, to 10th June, 1807,	147 82
Gardner, John for returning votes, &c. to June 1807,	10 80
Hartshorn Oliver, under keeper of Boston Goal, for supporting fundry poor debtors in said goal, to 1st June, 1807,	393 75
Larned Simon, for returning votes &c. to June, 1807,	11 20
Wait John, for returning votes &c. to June, 1807,	10 40

Total Sheriff's Accounts 639 43

Printers' Accounts.

Cushing C. Thomas, for publishing Acts and Resolves to 1st June, 1807,	33 33
Denio John, for publishing Acts and Resolves to 1st June, 1807,	16 67
Edes Peter, for publishing Acts and Resolves to 6th June, 1807,	16 67
Thomas and Andrews for printing, covering with blue paper, and stitching 1000 copies of Militia Laws	100 00
Proprietors of the Salem Register, for publishing Acts and Resolves to 1st May, 1807,	32 00
Adams and Rhoades, in full, for paper and printing for the General Court, and the several Offices of Government, to 15th June, 1807,	2108 86
Total Printers' Accounts,	2307 53

Miscellanious Accounts.

Guardians of the Dudley Indians, due to them in full to May 23, 1807, which sum the Treasurer is directed to charge said Indians with, and to be deducted from the sum due them from the Commonwealth,	95 86
Kuhn Jacob, due to him June 13th, 1807, over and above the amount of two grants made to him, viz. one June 21, 1806, of 600 dollars, the other Feb. 26th, 1807, of 250 dollars, and also, 7 dollars, which he received of the American Academy of Arts and Sciences,	162 45
Sprague and Durant, for repairs upon the State House, to 1st June, 1807,	73 35
Spear Thomas, for his service in keeping the Hospital on Rainsford Island, to 14th 1807,	44 44
Sullivan John, for Fadin's best map of Europe, for the use of the Governor and Council,	20 00
Toby Herman, for taking an Inquisition on, and burying the body of a man, found dead at Hog-Island,	28 24
Thomson J. Skinner, Treasurer, for oil purchased for the State-House Lamps, 82 dolls. 80 cents, and for two bills of cost, Treasurer of this Commonwealth vs. John Peck, paid Attorney General, executions stayed three years by the Legislature, 134 dollars,	216 80

Ulmer George, for his services and expenses in collecting evidence on the complaint of George Willington and others, against Moses Copeland, Esq. including the deponent's, justice's, constable's and sheriff's fees.

80 72

Willington George, for his attending the General Court, &c. on complaint against Moses Copeland, Esq.

75 00

Lapham, Silvanus, for assisting the Messenger to the General Court 27 days, ending the 20th day of June, 1807,

54 00

Perry, John, for assisting the Messenger to the General Court 22 days, including the 20th June, 1807,

44 00

Total Miscellaneous Accounts, 894 36

Aggregate Roll, No. 57, June 1807:

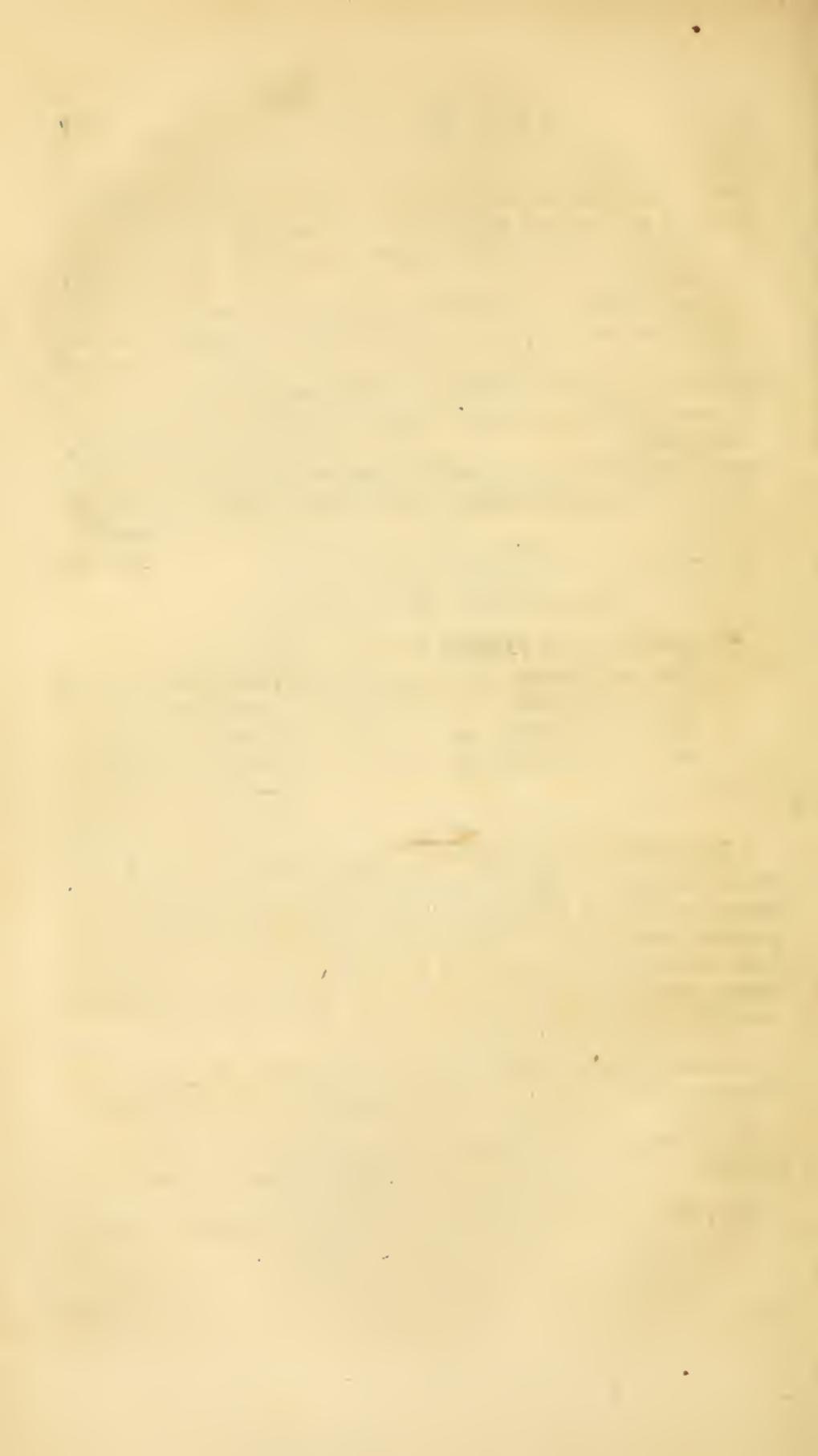
Expense of State Paupers,	14,368 10
Do. of Militia,	1,121 08
Do. of Sheriffs,	639 49
Do. of Printers,	2,307 53
Do. of Miscellaneous,	894 36
	19,330 56

RESOLVED, That there be allowed and paid out of the public Treasury, to the several corporations, and persons, mentioned in this roll, the sums set against such corporations' and persons' names respectively, amounting in the whole, to nineteen thousand, three hundred and thirty dollars, and fifty-six cents; the same being in full discharge of the accounts and demands to which they refer.

In Senate, June 19, 1807—Read and accepted, sent down for concurrence. SAMUEL DANA, President.

In the House of Representatives, June 20, 1807—Read and concurred. PEREZ MORTON, Speaker.

June, 20, 1807—Approved. JAMES SULLIVAN, Gov.



RESOLVES,

Of the General Court of Massachusetts,

PASSED AT THE SESSION BEGAN AND HELD, AT BOSTON, ON
WEDNESDAY, THE SIXTH DAY OF JANUARY, A. D. 1808.

GOVERNOR'S SPEECH.

STATE-HOUSE, FRIDAY, JANUARY 8.

At 12 o'clock, the Senate attended in the Representatives' Chamber, agreeably to assignment, when His Excellency the Governor, entered, attended by the Honourable Council and the Sheriff of Suffolk, and delivered the following

SPEECH:

*GENTLEMEN OF THE SENATE, AND
GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,*

I HAD the honour, in your last session, to submit to your consideration, my sentiments upon the nature of our Commonwealth, as a Government in itself, and as a State forming an important member of the Government of the United States.

I then expressed to you my ideas, of what might be considered a due and regular administration of a Government thus situated and thus connected. On a careful revision of that communication, I do not find any material errors, in the principles upon which it was predicated—I shall, therefore, improve the advantages of this interview, in an attention to the jurisprudence of the State, and to its defence against foreign enemies.

It is readily seen, that the matters, which will more particularly demand your attention, must relate to the internal government of the Commonwealth, and to its defence against the invasion of foreign powers—That those, which regard the for-

mer, are principally connected with the Judiciary Department, under the constitutional guidance of the Legislative Authority, and that those, which regard the latter, are generally, connected with our situation, as a part of the United States.

All amendments and regulations, that can be suggested, having a tendency to promote the due administration of justice, so that it may be obtained promptly, and without delay, in a cheap and easy manner, conformably to established equal laws, will have the countenance of the Representatives of a free people.

But, as there was, in the last session, a committee, appointed to deliberate in the recess, and to report on this subject at large, I hope I shall not have occasion to trouble you with any observations on the Judiciary Department, unless, it shall be on an act passed in the last session, to establish a new Court of General Sessions of the Peace—As that Act is supposed to be very defective, and is not within the commission of the committee of the recess, I have a special message prepared upon it, which the Secretary will lay before you.

There is another subject connected with the Judiciary Department, which I think worthy of Legislative attention; that is the exemptions from serving on grand and petit Juries—I am inclined to believe, that those exemptions, in the country from whence we derive the trial by jury, were originally exclusions, with a view, to prevent an undue interference of the powers of a mixed government; there is not the same reason in an elective republic: and as an exemption by privilege, it operates very unequally, increasing the burthen of civic duties upon the shoulders of that part of the community who are not the best able to bear it.—Should any questions arise on this subject, in regard to the constitutionality of a retrospective principle, the act may be modified so as to avoid any thing wrong.

The defect, supposed to be found in the Act passed in the last session, for establishing a new Court of General Sessions of the Peace, has suggested to me the caution of your having those bills, which obtain an order, in either house, for a second reading, printed for the use of the members of the whole Court. Were all bills, which have importance enough, to obtain an order for a second reading, to be printed, in such a number of copies, as that each member should have one, it would reduce the Legislature, substantially, though not formally, to a committee of the whole on each bill. The expense of the press seems to form the only objection to this mode of procedure.

'But if the bill is intended for an Act of public concernment, it ought to be of importance enough to defray the expense; and if it is on a private concern, the party interested ought to bear the charge of printing it. There is no impropriety in my making the suggestion, because the practice would greatly aid the Governor in the part the constitution gives him in legislation.

There are divers matters of importance, which I think will merit your attention, and which I shall submit to your deliberations by special messages—Among these will be one, accompanied by a Report of the Adjutant General, upon the state of the militia.

The militia, which we must rely on, as our natural defence, is, by an Act of Congress, left, principally, where the constitution of our Commonwealth had placed it, under the economy of our own particular State government.

You will observe, by the report of the Adjutant General, that the rank and file of the militia, amount to sixty thousand four hundred and twenty two : that these are arranged into Divisions, Brigades, Regiments, Battalions, and Companies, and that those are completely officered. This, in a country, where the Artillery, and all the necessaries for a camp and supplies of an army are procured from the ground, must render its defence respectable, and under the blessing of God, effectual.

Where there has been any Muster of a body of the militia, that would allow of a review by the Commander in Chief, in the course of the year, I have not neglected it. The three Brigades of the first Division, I have reviewed with great pleasure and satisfaction, and have also reviewed a number of detached Corps of the first Brigade of the third Division—these bodies of the militia, are a greater part of them in a uniform dress, and are well armed—they are in a good state of discipline, and exhibit a great regard to subordination ; a few weeks in a camp life, will make them generally good troops. The Artillery Corps are very well disciplined. The officers of all the militia deserve much attention from the government. The Companies raised at large have taken great pains to accomplish themselves and have succeeded admirably well—they are good troops.

There has been a Muster of the first Brigade of the second Division, but I had no notice from Major General BRICKETT that such a Muster was intended, until after I had engaged to review the first and second Brigades of the first Division on the same week, and on days which would not admit my going into the county of Essex ; but from information to be relied on, I can assure the honourable Senate and House, that great attention has been paid to that Brigade by its officers, and that on the parade they did honour to their country.

By knowledge gained from every part of the Commonwealth, I am able to assure you, that there exists an ardent spirit of improvement in the militia, which has never before been seen; there is evidence of an emulation that does them, officers and men, much honour. They appear, as if preparing for the business of an important crisis, as if they considered the military defence of their country, to be their common and ordinary duty.

In the recess, the President called for a detachment of eleven thousand and seventy five men, including a proportionate number of officers, as this State's quota of one hundred thousand of the militia, ordered by Congress to be detached if necessary.

This detachment was readily made, the documents and papers of which I will send with a spesial message. You have, I believe, a peculiar pleasure in being informed, that the drafts, to form the detachment, were executed with the greatest possible promptness, in every part of the Commonwealth.

*GENTLEMEN OF THE SENATE, AND
GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,*

Since your adjournment an unfortunate circumstance has happened, which with the causes that produced it, have placed our nation in a political point of standing, with one of the European powers seriously diverse from what it was when you returned from this House to your counties and towns. This is yet a subject of national negotiation, and being constitutionally in the hands of the national authority, I forbear to state any fact, or to utter any opinion respecting it.

Since the Independence of the U. States was recognized, by the power from whence they originated, twenty-seven years have been witnesses to our political happiness; as well as to our public and private prosperity. Our national government has been conducted on the principle that we ought to remain in a state of perfect neutrality, as to the controversies of Europe. This is, certainly, our wisest policy—It is found amongst the maxims of the illustrious Washington, who made the glory and happiness of his country his particular study.

The convulsions of Europe, resulting from great and unexpected revolutions and calamitous wars among the nations there, have caused them to assume a policy too peculiar and novel, and to project plans too extensive and interesting to allow us, though at so great a distance from them, to remain in that security and quiet, which our equal indifference, as a government, to them all, encouraged us to hope for.

The rights of neutrality, founded in moral principle, and un-

equivocally established as law, by the common consent of nations ; assured the freedom of commerce to neutrals, with all places that were not besieged by an enemy, with an expectation of a surrender—The idea of holding the whole of an enemies' country under a seige by words, and prohibiting the commerce of neutrals by proclamations, has been lately adopted, first by one, and then by another power, but this is nothing less, than an assumption of the prerogative, to control or direct the affairs of other nations against their consent.

As two of the most powerful nations, in that quarter of the globe, have adopted such an extraordinary principle, and the United States remain the only neutral power that can be affected by it, we are in danger of being drawn into the votex of their general, and expensive war.—Thus situated, our government has passed an act laying an Embargo on our own outward bound navigation.—Why should our vessels go to sea, if France takes all that are going to England and her provinces ; and Great-Britain takes all going to France, and her dependencies, or the countries of her allies, where are our vessels to be sent to ?

This Embargo operates in a grievous manner, upon those, who depend on commerce, or any of its appendages for support ; but we can have no reason to believe, that this measure is adopted either wantonly or with wrong intentions in our government.—If these blockading decrees are to be rigorously enforced by the powers who have issued them, our government wants time to consider of the measures we ought ultimately to adopt, and permanently pursue.

To suffer our country to be stript of its maritime property and seamen, before we deliberate, would be the height of folly—If we are to contend with more than one power, we need not hurry to the contest, if with one only, as an incidental ally against the other, we ought to proceed with caution, under a compact of alliance, and not to rush with rashness, and without due preperation to the combat. To extend our hand to either of the belligerent powers as an ally, without a preliminary invitation, would lay us completely at the feet of that power, and make her enemies, the enemies of the United States.—The Act of Embargo is a measure of our constitutional government, and can be done away in a day whenever our national situation shall render it eligible to do it.

We have no claim to an exemption from these calamities, which are incident to other powers. We yet enjoy privileges and public advantages, that render us the envy of others, therefore to murmur at the appearance of misfortune is to express our ingratitude, in the strongest language.

Had we continued our civil and political connexion with Europe, the wars of the power we should have been connected with would have been our wars ; and the measure of our burdens in their support would have been given by men, not elected or appointed by us : by men over whom we could have no control, and whose own burdens must have been lessened in proportion as they should have increased ours.

As a free people—under free constitutions of civil government, we have a right to express our sentiments on public concerns—But our constitutions were not intended to carry this principle so far, as to excuse in any form, sedition against our governments, or to allow wicked men to invite foreign powers to the invasion and conquest of our country.—The governments we are under may err—The people may make a wrong choice of rulers ; but neither of these errors can justify an opposition to, or an attempt to change the nature of the government. It is the first principle in the social compact, to submit to the voice of the majority. The second is an entire and ready obedience, to the voice of our Rulers, issued within the authority given them by the constitution.

At this important crisis, when our wisest and best men cannot decide, with satisfaction to themselves, what are the best measures to pursue, we ought to be instructed, as a people, from this, not rashly to condemn the measures adopted, or suddenly to censure our leaders for their decisions.

It is clear beyond all controversy, that no measure can effectuate our security unless we are firmly united among ourselves. A division of the States, would instantly dissolve the nation ; and destroy every obligation to civil and social duty. This our enemies see. They know that if the present national constitution was dissolved, the United States could never again exist as a sovereign and independent power ; but must fall a contemptible victim to foreign despots, or what is more likely, become the abject dependents of petty tyrants among themselves. Under those circumstances, our contests and bloody civil wars, which might with sound reason be expected, are too distressing to bear a description.

As our security, and even our existence, as a nation, depend on our union ; and as a union cannot be preserved, without an efficient vigorous government, it is very extraordinary, that men, under any party designation, or political appellation, should assume the character of friends to their country, while they are endeavouring to destroy the national union, and to overthrow the principles on which the federal government is founded.

To furnish powers, with whom we are engaged in controversy, with arguments against us, to expose to them our weakness, to

originate and dress up new claims, which those powers have never conceived of—To gratify our enemies by treating our own government with contempt, and its constitution with ridicule, must be a strange kind of patriotism. If this is the business of men owing allegiance to their country, it is highly criminal. If it is by a few foreigners who have gained a residence in the country, as no doubt a greater part of it may be, it must be considered as a base misuse of the indulgence they derive from their situation. Under these circumstances, we must rely upon the intelligence and good understanding of the great body of American citizens. They know that men will differ in their opinions, on the principles, and the administration of governments, as much as they do in their statures and countenances ; and that the exercise of a prudent candour is necessary, in relinquishing their own, and acquiescing in the opinion of a constitutional majority.

It is time that our eyes were opened, not only to our danger, but to our true interest—It is time that we had become one people ; without invidious distinctions, having no appropriate appellation, but that of American citizens. We may rely upon it that an elective government, can never destroy our nation, or overthrow our liberties. Yet we may be assured from the nature of things, as well as from ancient and modern history, that a want of union among ourselves, will inevitably involve us in slavery and ruin.

GENTLEMEN,

This is an important crisis in our national concerns. Our country, filled with enterprize and industry, delights in commerce: but lately adverse circumstances have opposed themselves to its accustomed success ; some of these I have already mentioned—There are others (among which may be numbered an unsubstantial and excessive medium) which have resulted from the economy of the particular States. The disastrous consequences flowing from these, are now, unfairly ascribed to the administration of the National Government. The design of this is apparent—but I am happy in being satisfied, that your proceedings and sentiments in this session, will be such, as shall convince our foreign and domestic enemies, that Massachusetts yet holds her very important rank in supporting the federal government on its own principles, as predicated on those of the revolution ; and that no circumstances, however perilous, or appearances however doubtful and gloomy, can cause this Commonwealth to shrink from a contest wherein the honour and independence of the United States are drawn into question.

JAMES SULLIVAN.

ANSWER OF THE HOUSE OF REPRESENTATIVES.

June 14, 1808.

May it please your Excellency,

ON few occasions have the Legislature convened, under circumstances, claiming more just solicitude, or more deep interest. Causes beyond our control, and events beyond our foresight have changed the aspect of the world, and annihilated relations, cemented by the force of ages. Accustomed to consider the wars of Europe, as competitions of private interest, or public pride, calculated to engage the passions of the contending parties, and inoperative beyond them, neutral powers have calmly watched the issue, and buried in their own bosoms, all fear and all affection. After a profuse expenditure of blood and of treasure, the exhausted combatants, have resumed their former stations, and ratified their peace, by treaties, founded on ancient rights, and ancient boundaries. Hence, though war has desolated its plains, with unusual frequency, Europe, until lately presented to the Philosopher and the Statesman, nearly the same political proportions, which almost two centuries since, were settled as the basis of its sovereignties. But times are changed, and we are changed with them. A new policy has stimulated the ambition, and a new system invigorated the spirit of conquest. Power has assumed the decision of right, and regulated its dominion by the success of intrigue, or the terror of violence. Laws hitherto deemed sacred and immutable, in the intercourse of nations, have been silently worn away by interpretation, or obliterated by royal proclamations and imperial decrees. The progress, from a case of exception, to a general precedent, and from a general precedent, to an unbending principle, has been uniformly accelerated by the success of arms, and the acquiescence of peaceful powers. Interest, and not reason, has promulgated the rule and the argument of its existence, as well as of its justice, has been boldly inferred from the policy of its adoption. A self conceived necessity, measured by the extent of force, has settled not merely the comity, but the rights of nations, and a coercion of the sword, has quickened a reluctant obedience.

Under this extraordinary pressure of events, a desire to avoid the calamities of war, and to enjoy the advantages of an honourable neutrality, has induced the United States to submit to many

infringements of their rights; and many irregular exercises of belligerent authority. Knowing, that in a struggle, if not for existence, at least for future safety, nations with most friendly intentions, are at times compelled to harsh conduct, we have borne without murmur, ordinary inconveniences. We love peace, because we have known the miseries of war. We love peace, because we have neither the wish nor the means to gratify the lust of conquest. We love peace, because we have felt its benefits; Our commerce, our agriculture, and our manufactures are nourished by it. We love peace, because it is essentially the character of a free, industrious, and frugal people, and comports with their permanent and truest interests. But there is a point beyond which forbearance becomes pusillanimity and destruction. If we submit, we must resign our national sovereignty; and if we resist, security must be purchased by heavy burthens. It is a choice of evils, which the wisest cannot avert, and the bravest cannot vanquish.

To this crisis, the United States seem rapidly hastening. The fate of other nations, should admonish us to use our means of defence with promptitude and zeal. We have learned a lesson which is every way important, that we can never safely rely upon the justice of nations; and that a recognition of our rights, depends upon our ability to enforce them. True policy therefore dictates, that for the future, whether in peace or in war, we should accumulate naval and military resources, not as the instrument of hostile aggression, but as the protection of national dignity. Some persons, at the present moment, are ready to attribute our embarrassments to the policy adopted by the general government; but the true causes are rooted in Europe. Though remote, we are not beyond the reach of its convulsive movements, and when kingdoms are shaken, or created by a word, in the strength of our own arms, and the fortitude of our own hearts, exists the sole pledge of our safety.

We adopt the conduct of your excellency in respect to our national government; and relying on their fidelity, and on their wisdom, we express no opinion, as to the principles to be maintained, or the measures to be pursued. We most cordially agree, that a generous confidence in our rulers, and an inviolate obedience to their authority, is necessary to ensure to us, domestic tranquillity and foreign respect. Errors may arise; but amidst all the collisions of opinions, the real patriot, should never forget, that no policy can be fatal, which maintains against all foreign influence, the rights and the honor of his country. A constitution-

al remedy lies, to correct errors ; but disunion and distrust which it will always be the interest of foreign nations to cherish among us, are the seeds of destruction, which we sow in our own bosoms, and from them can reap a harvest only of confusion or slavery. We should learn, if we have not already, bitterly learned, that there exists no nation, whose attachment to us, extends beyond its own particular interests ; that we should banish all undue partiality and animosity, that we should cultivate with all, an honest friendship, and preserve a jealous circumspection, according to the character and the conduct of their rulers. Among ourselves, we should bury all party distinctions as odious, and embrace the politician of every sect, whose path is illuminated by patriotism. Already have we deeply suffered from local disputes. Already have Europeans calculated upon our internal weakness, and measured its extent, by the opposition of our Councils. The hazard of insult and offence, has been materially lessened, by an apparent security from resentment. "It is indeed time that our eyes were opened, not only to our dangers but to our true interests."

We have yet a confidence, that without a compromise of national honor, peace may be preserved. A steady and sober policy, a just and conciliatory conduct, and a resolute and inflexible independence, will, we trust convince foreign powers, that we shall not take counsel of our fears, or of our passions. It cannot be their true interest, or ours, to promote hostilities. A liberal candor, may yet render a resort to the ultimate decision of arms, unnecessary. If however war should ensue, (which we most sincerely deprecate,) we may with sober confidence, appeal to Heaven, for the justice of our cause. In such an event, we are bold to affirm, that *Massachusetts*, will not shrink from its duty ; but with firm and honest zeal, awaken its revolutionary spirit, and support the national administration, with all its civil, and all its military resources.

We are happy to learn from your Excellency, the flourishing state of the militia of this Commonwealth. Their discipline, and correct organization, at all times important, is at the present moment, peculiarly interesting. To the other subjects communicated, we shall give an immediate attention as well from personal respect, as from their being recommended by the executive department. And we cannot conclude, without expressing to your Excellency, our unfeigned wish, that you may long be confirmed in your health and happiness, for the benefit of your friends, and of your country.

May it please your Excellency,

THE Senate consider your recent communications to both branches of the Legislature very important, and highly evincive of your great attention to the general concerns of our country, and of the solicitude you feel for its safety and happiness.

A correct sense of the genius and spirit of our government, predicated on the principles of the revolution, confederated with others, and guaranteed republican, by a national constitution, as displayed in a former speech of your Excellency, ought, at this crisis, to produce for the common good, the confiding and united efforts of every friend to our country.

As from our courts of law, the whole community justly expect a prompt, cheap, easy and impartial administration of justice, the Senate will never withdraw their attention from the Judiciary, while it is deemed susceptible of any improvement.

Grand and Petit Juries forming a very important part of our Judicial system, too much deliberation cannot be bestowed on the means of rendering them more exalted and pure, and more independent of any improper influence. On their ability and fidelity the citizen and the public rely much for their rights and security.

In a free government, unnecessary exemptions from offices and duties so important, should be considered dishonourable.

We have been pleased in observing the countenance and encouragement which the Commander in Chief has bestowed on the Militia; and at this important and portentous crisis of our national affairs, we have great consolation in finding their condition so highly respectable, and that there is an emulation, and ardent spirit for improvement generally prevailing among them. The promptness and zeal with which the President's late requisition was complied, by officers and soldiers, are honorable to this State, and the nation; and may be considered as *prompt pledges* of what Americans are capable, when roused by a sense of danger and insults to their common country, and arrayed in its defence at the command of the law.

Any modification of our military system, which may be considered an improvement, and such arrangements as are suitable to be made by this Commonwealth for the defence of our country, shall have, as they justly merit, the pre-eminent attention of the Senate.

As the occurrences which have interrupted our political happiness and prosperity, and have imposed on our National Administration, studious to preserve peace with all nations, and on our government, distinguished for its moderation, pacific maxims and strict neutrality, the necessity of providing the means of repelling aggressions, do still continue to be subjects of national negotiation ; every honest and patriotic citizen will acknowledge that a confidence in our rulers, and a support of their measures, is essentially requisite to ensure public safety.

Mingled with the adverse appearance of our foreign relations and concerns, are many propitious circumstances productive of enjoyment and gratulation, for which we have great cause to be thankful.

When moral rights, a liberal policy, or the most obvious principles of common justice, shall be respected by belligerents, they will cease to blockade, by proclamations and words only, the commerce of neutral nations. However grievous and afflictive the Embargo may be judged, which at this moment arrests the customary progress and profits of our enterprising fellow citizens, yet it can be but trivial in the reflections of real patriotism, compared with the idea of a capture of *their* property, and of *our* seamen ; and of both being rendered subservient to the nefarious work of violating the peace and rights of our own people.

Under circumstances so critical, interesting and portentious as that statesmen of the deepest reflections, wisdom and experience, are able to select measures by reasoning on their probable, not certain results ; it becomes every citizen to acquiesce, with calmness and confidence, in the deliberations of the constituted authorities. In great public emergencies, the exercise of patience and firmness, and a compliance with governmental decisions, is doubly a duty. An obstinate, unyielding opposition, and a proneness to rash and indiscriminate censure, are licentious indulgences in all free governments. Deeply impressed with a sense of the pernicious tendencies of such hostilities against our constituted authorities, our surprise is equalled only by our regrets, that any should be found among us wishing and endeavouring for the destruction of the national union, and the principles on which our national government is founded. The demerits of such proceedings can be exceeded only by the political depravity of the motives which may have influenced them. Such men, wherever born, or resident, cannot be American. There is, however, a comfort and satisfaction in believing that this is not their country. The few who are capable of aiding, with arguments, the powers in

controversy against us ; of originating and urging new claims in their favor, and of treating our government and constitution with ridicule and contempt, must indeed be foreigners and aliens—and strangers to the principles of an indulgent and forbearing nation.

The sacred right of reasoning and expressing our sentiments on subjects of a public concernment, is among the last a free people will ever yield ; but we agree with your Excellency in excluding from this constitutional right, a license for wicked men to invite and encourage foreign powers to invade our liberties, or our country—or insidiously to plot a change of the nature of our government ; for the preservation of which, this right was established and rendered sacred. Such seditious and dangerous practices claim, and cannot fail of receiving from our courts of justice, the prompt and necessary animadversions of the law.

We believe with you, sir, that could individuals divest themselves of their political prejudices, and become indifferent to the invidious distinctions with which they have been characterized; so as coolly and faithfully to consult their true interest and duty, as citizens, and their consciences, as christians—our elective governments would long continue unimpaired, and our liberties be permanently secure : but that disunion, and its concomitant evils, may speedily produce the overthrow of both.

Whatever trials and conflicts may be in reserves for our nation; however appearances may become doubtful, gloomy and perilous, we confidently flatter ourselves, that Massachusetts will evince to the world her determination to be prepared for the worst events, and that she will never shrink from a necessary contest to maintain the honor and independence of the United States.

IN SENATE—January 26th, 1808.

Read and accepted, and Ordered that Mr. GANNETT, Mr. PERRY, and Mr. GRAY, be a Committee to present the same to his Excellency the Governor.

SAMUEL DANA, *President.*

RESOLVES.

LXIX.

Resolve for the delivery of the copies of the constitutions of this State, and the United States lately printed, and bound for the use of the Government.

Jan. 9th, 1808.

Resolved. That the books containing copies of the constitutions of this Commonwealth, and of the United States, which have been printed for the use of this Government, be deposited in the Secretary's office. And the Secretary is hereby directed to deliver a sufficient number of said books, for the use of his Excellency the Governor, his Honor the Lieu. Governor, and the members of the honorable Council, for the time being, while in session. And the Secretary is further directed to deliver to the messenger of the General Court a sufficient number of said books, for the use of the members of the Senate, and House of Representatives, for the time being, while in session. The messenger to take care of the books last mentioned, during every recess of the Court.

LXX.

Resolve on the petition of Allen Crocker. Jan. 14th, 1808.

On the petition of Allen Crocker, praying for reasons set forth in said petition, that the Treasurer may be directed to fund, agreeable to a law of this Commonwealth, one moiety of two notes now in his possession for Thirty seven hundred and twenty dollars, given to the heirs of the late James Otis, Esq. by a special resolve of the 8th June, 1792.

Resolved, That the Treasurer of this Commonwealth, be and he hereby is directed to receive of the said Allen Crocker, the two notes in his possession, and pay thirty six per cent, of the principle with interest, to the first of January 1808, and issue to said Crocker a new note for the balance, bearing an interest of five per cent, per annum.

LXXI.

Resolve for paying Thomas Wallcut, Sixty Dollars.
Jan. 14th, 1808.

Resolved, That sixty dollars be allowed and paid out of the public treasury to Thomas Wallcut, in full for writing done for the House of Representatives in the recess of the Legislature, according to his account herewith exhibited.

LXXII.

Resolve for the pay of the Members of the Council and Legislature. Jan. 14th, 1808.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to each of the Members of the Council, senate, and House of Representatives, two dollars per day, for each day's attendance the present session, and the like sum for every ten miles travel from their respective places of abode, to the place of the sessions of the Legislature. *And be it further resolved*, That there be paid to the President of the Senate, and the Speaker of the House of Representatives, each, two dollars per day for each, and every day's attendance, over and above their pay as members.

LXXIII.

Resolve authorizing, Sarah Oliver, of Salem to sell and convey estate of certain Minors. Jan. 14th, 1808.

Upon the petition of Sarah Oliver, of Salem, in the County of Essex, widow, mother, and guardian of Daniel Oliver, Benjamin Lynde Oliver, jun. Sally P. Oliver, and Elizabeth D. B. Oliver, minors, stating that the said minors, as heirs of their Grandfather, Andrew Oliver, Esq. are entitled to one undivided twentieth part each, of and in certain parcels of land tenements, and hereditaments, whereof the said Andrew Oliver was legally seized in his life time, and afterwards disseized, and praying that she may be authorized to sell, release, and convey all the right and title of said Minors, in and to said lands, tenements, and hereditaments, unto the tenants thereof.

Resolved for reasons set forth in said petition, That the said Sarah Oliver, guardian as aforesaid, be, and hereby is authorized to sell, release and convey, for such consideration or considera-

tions, as she may deem meet, at private sale, all the right, title and interest of said Minors, in and to the lands tenements and hereditaments, whereof the said Andrew Oliver was seized in his life time, and afterwards died disseized as aforesaid, unto the tenant or tenants thereof respectively, or to any person or persons now in possession thereof, claiming title thereto since, and to make, and execute and acknowledge any deed or deeds in this behalf, proper or necessary; *Provided however*, that the said Sarah Oliver shall before such sale, or sales, give bond with sufficient surety or sureties to the Judge of Probate of the said County of Essex to account for the proceeds of such sale or sales according to law.

LXXIV.

Resolve appointing a Committee to adjust the Treasurer's accounts. Jan. 20th, 1808.

Resolved, That the Hon. Mr. Titcomb, Mr. Harris, of Charlestown, and Mr. Heath, of Roxbury, be a Committee to examine and adjust the accounts of Thompson J. Skinner, Esq. Treasurer of this Commonwealth, from the time of his appointment to said office, to the thirtieth of June, one thousand eight hundred and seven, inclusively. And the said Committee are directed and empowered to deface all notes, and due bills, orders or other obligations, issued under the authority of this Commonwealth, by any Officer thereof, which have been redeemed by the Treasurer during the time aforesaid, and to report an account of their proceedings to the present General Court.

LXXV.

Resolve authorizing the Committee for procuring the printing of Colony Laws, to employ a Clerk, and to receive records &c. of the Secretary. Jan. 20th, 1808.

Resolved, That the Committee appointed by a resolve of the Legislature passed the nineteenth day of January, in the year of our Lord one thousand eight hundred and seven, to contract for the printing of the general laws of the late Colony and Province of Massachusetts Bay, be authorized to employ a Clerk to transcribe the same, or such parts thereof as they may judge expedient, and to allow such Clerk a suitable compensation therefor, and that the same Committee be authorized to receive from the Secretary of this Commonwealth, any records of such laws, in the

department of State, which said Committee may deem proper to effectuate the purposes of their Commission, and the said Secretary is hereby required to deliver the same to the said Committee accordingly; the said Committee giving a receipt to the Secretary therefor, to be accountable for the same records; and to return them when no longer necessary for the use of said Committee.

LXXVI.

Resolve directing the Secretary to have reprinted the laws of the three last sessions of the General Court, so that the pages be numbered in regular progression to five hundred, or as near that number as may be to complete a session. Jan. 20th, 1808.

Whereas the Laws of this Commonwealth, passed at the three last sessions of the Legislature have been by mistake printed with a distinct and several paging, and not with a paging ascending in a arithmetical series, as has been always before the same sessions practised.

Resolved, That the laws so passed, at said three last sessions, be reprinted by the printer of the Commonwealth, under the direction of the Secretary thereof, in one pamphlet, of the same size of the Octavo volumes of the General Laws and to be well sewed and covered with blue paper, pasted. And that the paging be continued from the first page thereof, through the said pamphlet, in an ascending arithmetical series; and that hereafter all the Laws passed at each session of the Legislature, shall be paged in a continually ascending arithmetical series, until the number of pages shall amount to five hundred, or as near as may be thereto, regard being had to the printing of all the laws passed in the same session, in the same series, and when so often as the number of pages shall amount to five hundred regard being had as aforesaid, the same shall be considered as constituting a volume; and a proper title page, and a large copious analytical index to such volume, shall, at the expense of the Commonwealth, be prepared by the Secretary of the Commonwealth, or under his direction, and shall be annexed to and printed with the last number of laws constituting such volume, and such index shall conform, as near as may be, to the plan of the index annexed to the volumes of laws published pursuant to a resolve, passed the twenty-eighth day of February in the year of our Lord one thousand seven hundred and ninety-nine. And for the more easy citation of the laws of the General Court, *Be it further resolved*, That all the acts pas-

sed by the same Legislature, between the General Election of any one year, and the next succeeding General Election, shall be deemed Chapters, and numbered in a series arithmetically progressing from the first to the last act, so passed by the same Legislature. *And be it further resolved,* That hereafter all resolves of the Legislature, passed at any sessions thereof, shall be reprinted and indexed in the same manner. And further the Secretary aforesaid shall cause a temporary index to be annexed to the laws and resolves passed at every sessions of the Legislature, until the same shall constitute a volume as aforesaid.

LXXVII.

Resolve granting Charles Turner four hundred and eighty-six dollars and fifty cents. Jan. 21st. 1808.

The Committee of both Houses appointed to examine the account of Charles Turner, jun. Esq. Agent to explore and mark out a route from Penobscot river, to the eastern line of the Commonwealth, ask leave to report, that upon the examination of the said Turner's account, the expense attending said survey, amounts to nine hundred and eighty-six dollars, and fifty cents, of which sum he has received five hundred dollars, by virtue of a resolve passed the 20th. of June, 1807, leaving a balance due to said Turner of four hundred and eighty-six dollars and fifty cents.

Therefore resolved, That the Governor, with the advice of the Council, be requested to draw his warrant on the Treasurer in favour of said Turner, for the sum of four hundred and eighty-six dollars and fifty cents to be in full for said account.

Be it further resolved, That the plan of said road, exhibited by said Agent, be deposited in the land office of this Commonwealth.

LXXVIII.

Resolve granting half a Township of land to the town of Gloucester, they to make a harbour at the northeastern part of said town. Jan. 22d. 1808.

Whereas it has been represented to this Court that a convenient harbour may be conveniently made upon the northeastern part of the town of Gloucester, at the foot of Pigeon Hill (so called) by filling up a gap between a point of land, called the Pilions and the great leage at the mouth of Pigeon Cove, about twenty rods up-

on a rocky foundation; and it appears that such a measure would be attended with public advantage.

Resolved, That for the purpose of filling up said gap, and making said harbour convenient, there is hereby granted to the said town of Gloucester, for the purpose aforesaid, one half a township of land, six miles square, to be laid out and assigned to them by the agents for the sale of eastern lands, out of any unappropriated lands in the district of Maine, with usual reservations and restrictions; excepting the ten townships of land on Penobscot river purchased of the Indians.

Provided however, that the avails of said land shall be laid out, and expended for the purposes aforesaid, under the direction of an agent, to be appointed by his Excellency the Governor.

And provided also, that the town of Gloucester shall cause the said half township to be surveyed and located, and a plan thereof returned into the Land Office, within the term of three years.

LXXIX.

Resolve directing the distribution of the laws passed at the first session of the ninth Congress. Jan. 26, 1808.

Resolved, That the copies of the Laws of the United States of the first session of the ninth Congress, be distributed in the following manner, by the Secretary, viz. To the clerk of each town or district, and to the assessors of each plantation within this Commonwealth, which pay a State tax, one copy for the use of such town, district, or plantation; to each county clerk of the Supreme Judicial Court, one copy; to each clerk of the Courts of Common Pleas and General Sessions of the peace one copy for the use of their respective Courts, within the several Counties; to each Judge of the Supreme Judicial Court, one copy; to the Sheriff of each county, and to the Judges of Probate in the several counties, one copy each; to the Attorney General, Solicitor General, Quarter Master General, and Adjutant General, one copy each, to the Register of Deeds, and to the Register of Probate for each County, one copy each, for the use of their respective Offices, and to each county Attorney, one copy; to each Major General one copy; to the University at Cambridge one copy; to Williamstown and Bowdoin Colleges, the American Academy of Arts and Sciences, and the Historical Society, one copy each: to his Excellency the Governor, his Honor the Lieu. Governor, each of the Members of the present

Honorable Council, to the President of the Senate, and the Speaker of the House of Representatives, and to each Member of the present General Court, one copy; to the Treasurer, the Secretary, Clerk of the Senate, and a Clerk of the House of Representatives, one copy each.

And be it further resolved, That upon the death, resignation, or removal from office of either of the said Clerks, of the aforesaid towns or districts, or law courts, Judges of Probate, Sheriffs, Treasurer, or either of the assessors of Plantations, Attorney General, Solicitor General, Major Generals, Adjutant General and Quarter Master General, also either of the said Registers of Deeds, and county Attornies; he or his executors or administrators respectively, shall be held and obliged to deliver over the same to his successor in office, for the use of their several offices.

LXXX.

Resolve increasing the Pension of Samuel Grant. Jan. 27th 1808.

Resolved, That the Pension of Samuel Grant shall in future be seventy-five dollars annually, to commence on the first day of June last; and his Excellency the Governor, with the advice of Council, is requested to issue a warrant on the Treasury accordingly.

LXXXI.

Resolve granting Timothy Dix, jun. liberty to sell Lottery Tickets. Jan. 30th, 1808.

Whereas from the petition of Timothy Dix, jun. and the maps and documents accompanying the same, it appears that a road to pass from Colebrook, on Connecticut river, through the northern notch (so called) of the White Hills, to the eastern markets; would make an actual saving of more than forty miles travel, that to make the same through said notch, a good carriage road, would be attended with more expense than could reasonably be required or expected from new settlers, or the proprietors of the lands.

That said road would prove of great public utility, particularly to that portion of the community, who are situated in the district of Maine. And whereas the Legislature of the State of New Hampshire from a consideration of these premises, did by an Act, passed June 18th, 1807, grant unto the said Timothy Dix, junior; leave to raise by a public lottery the sum of three thousand dollars; which act provides that the said Dix shall give

Bonds with sufficient sureties in the sum of six thousand dollars, conditioned for expending said money upon, and making said road through the said notch to the acceptance of the Judges of the Court of Common Pleas, for the county of Coos. And further provides that the said Dix shall, before the appointment of the managers of said lottery, obtain leave to expose to sale tickets in said lottery, and to draw the same within this Commonwealth. Therefore,

Resolved, That the said Timothy Dix, jun. have leave to expose to sale tickets in said lottery, and to draw the same in any town or place within this Commonwealth. *Provided*, that the said Dix shall give bonds in the sum of six thousand dollars to the Treasurer of this Commonwealth, conditioned for laying out said sum of three thousand dollars upon, and making said road through said notch, a good cart and waggon wheel road, to the acceptance of the said Judges of the Court of Common Pleas for the county of Coos. *Provided further*, that the managers of said lottery shall give bonds in the sum of six thousand dollars to the Treasurer of this Commonwealth, conditioned for making sale of no more tickets than is necessary for raising the said sum of three thousand dollars, exclusive of the expenses thereof, and for rendering an account to the General Court of this Commonwealth of all their doings, and of all charges by them made and allowed by the 18th day of June, Anno Domini, 1810.

LXXXII.

Resolve on the Petition of Thomas Ruggles and others, for a company of Cavalry in Columbia and Steuben. Jan. 30th, 1808.

Resolved, That his Excellency the Governor, with the advice of Council, be authorized and requested to raise by voluntary enlistment, a troop of cavalry in the towns of Columbia and Steuben, in the county of Washington, within the first Regiment, in the second brigade, and tenth division of the militia of this Commonwealth; *Provided*, the standing companies in said regiment are not reduced below the number required by law. And the said troop shall be subject to all such rules and restrictions as are or may be provided by law for governing the militia of this Commonwealth.

RESOLVES, February 1808.

LXXXIII.

Resolve on the Petition of William Stoddard. Feb. 2d, 1808.

On the Petition of William Stoddard, praying that further time may be allowed to the creditors of Samuel Merrill, late of North Yarmouth, in the county of Cumberland, to bring in and prove their claims against said estate before the Commissioners who have been appointed thereon, for reasons set forth in said petition :

Resolved, that the Judge of Probate for the county of Cumberland be, and hereby is authorized and empowered to grant and allow a further time of one month, to commence on the first Tuesday of February next, to the creditors of the said Samuel Merrill, to bring and prove their claims against said estate before the Commissioners who have been appointed to receive and examine the same, though the time allowed by law has elapsed.

LXXXIV.

Resolve allowing the Quarter Master General five hundred and fifty dollars to defray the expenses of Penobscot Indians.

February 2d, 1808.

Resolved, That there be paid to Amasa Davis, Esq. Quarter Master General, the sum of five hundred and fifty dollars, for the purpose of discharging all such necessary and reasonable expenses, as may have been or may be incurred by any of the Chiefs of the Penobscot tribe of Indians on a visit to the town of Boston, during the present session of the legislature, and also for the purpose of paying for any presents, which his Excellency the Governor may think proper to make to said Indians, he, said Quarter Master General to be accountable for the expenditure of the same; and that his Excellency the Governor with the advice of the Council, be requested to draw his warrant upon the Treasurer for the aforesaid sum of five hundred and fifty dollars accordingly.

LXXXV.

Resolve on the petition of Bartlett Holmes and others.

February 2, 1808.

Resolved, That his Excellency the Governor, with the advice of Council, be and he is hereby authorized and requested to raise by voluntary enlistment a Company of Artillery in the town of

Falmouth, in the county of Cumberland; within the first regiment, in the second brigade; and sixth division of the militia of this Commonwealth. Provided the standing companies in the said town of Falmouth shall not be reduced below the number required by law; and said company shall be subject to all such regulations and restrictions as are or may be provided by law for the government of the militia of this commonwealth.

LXXXVI.

Resolve on the petition of the Selectmen of New Bedford.
February 2, 1808.

Whereas the Selectmen of the town of New Bedford, in the county of Bristol, have petitioned the Legislature that the Treasurer of this Commonwealth, may be directed to stay an execution now in the hands of the Sheriff of Bristol, against Stephen Cunningham, for one thousand and eighty-six dollars, thirty-three cents, on the tax of the said town, for the year one thousand, eight hundred and six. Be it resolved for the reasons set forth in said petition that the Treasurer be, and he is hereby ordered to stay any further process on said execution for the term of one year from the passing of this resolve.

LXXXVII.

Resolve on the petition of the town of Newry.
February 3, 1808.

On the petition of the town of Newry, stating that on the seventeenth day of February in the year of our Lord, eighteen hundred and six, Josiah Russell one of the Selectmen of said town drew his warrant, directed to Ithiel Smith, jun. therein and thereby requiring him to notify and warn the freeholders and other inhabitants of said town, qualified to vote in town meetings to assemble on the fourth day of March in the year aforesaid, for the purpose of choosing town officers, &c. who duly served the same, and that said warrant at the time of the service of the same, was only signed by one of the Selectmen of said town, nor until the day previous to the meeting of the inhabitants of the said town, pursuant to said warrant, and praying that the doings and proceedings of said town may be ratified and confirmed, the neglect of the other Selectmen of said town in not seasonably signing said warrant, notwithstanding.

Resolved, That the doings and proceedings of said town of Newry, at said meeting, and all subsequent meetings of said town be ratified and confirmed; and be deemed and held good and valid in all respects; and in the same manner, as if said warrant at the time of the service had been signed by all, or a majority of the Selectmen of said town.

LXXXVIII.

Resolve on the petition of Oliver and Seth Smith.
February 6, 1808.

Whereas Oliver Smith and Seth Smith, guardians of Ebenezer Marsh, have petitioned this Court, shewing that the said Marsh is seized in fee of two certain parcels of wood land, situate in Hadley, in the county of Hampshire, one parcel containing about sixteen acres, and bounded east and west by high ways, south by lands of Daniel Cook, and north by land of Perez Smith, and lying in the third division of inner commons there, the other parcel containing about three Acres, bounded east by an highway, North by lands of the heirs of Timothy Stockwell, west, by land of Eliphalet Marsh, and south by land of Perez Smith, and lying in the second Division of Inner Commons there, and that it would be greatly for the interest of their said ward that the same parcels of lands should be sold, and the full value thereof vested in meadow land for his use, and praying that they may be authorized to make sale of the said parcels of Land for that purpose.

It is therefore Resolved, That the said Oliver Smith and Seth Smith, guardians as aforesaid, be and they hereby are empowered to sell and convey in fee simple, by deed or deeds duly executed, acknowledged and recorded, the two parcels of land aforesaid, to such person or persons, as they shall think proper for the full value thereof, according to their best discretion, and to vest the proceeds of the said sale in meadow lands for the use of the said Ebenezer Marsh; the same to be by deed duly executed, acknowledged and recorded, conveyed to him, and his heirs in fee simple with the usual covenants of warranty.

Provided however, That before the sale of the said parcels of land, the said Oliver and Seth, shall give bond to the Judge of Probate for the county of Hampshire and his successors, in a reasonable penalty, by him to be named, with sufficient sureties by him to be approved; conditioned, that they act faithfully and im-

partially, and according to their best discretion, in the sale of the said parcels of land, and in vesting the proceed hereof in Meadow lands for the use of the said Ebenezer Marsh, to be holden by him and his heirs in fee simple as aforesaid.

LXXXIX.

Resolve granting Theodore Lincoln, Esq. one hundred and forty dollars. February 6th, 1808.

Resolved, That one hundred and forty dollars be granted and paid out of the public treasury of this Commonwealth to Theodore Lincoln, Esq. in full compensation for his services as agent to the Passamaquoddy tribe of Indians from the 27th of February 1806, to the 26th January 1808, according to his account herewith exhibited; and his Excellency the Governor with the advice of Council is requested to issue a warrant on the Treasury accordingly for the payment of the said sum of one hundred and forty dollars.

XC.

Resolutions proposed by Mr. Ripley. February 8th, 1808.

Whereas the pacific and impartial policy pursued by the Government of the United States in relation to the belligerent nations of Europe, appears at the present period to have no effect in exciting a fair and honest reciprocity in their conduct. And from the present aspect of our foreign relations, it being altogether uncertain how long the blessings of peace will continue to us; and as under circumstances of national exigency, an expression of approbating sentiments towards the national government, on the part of the individual States becomes not only proper and expedient but an important duty. Therefore be it

Resolved, That the legislature of Massachusetts views with the highest approbation the wise, dignified and energetic measures pursued by the Government of the United States in relation to the violation of our neutral rights: and more especially the outrageous attack on the American Frigate Chesapeake.

Resolved, That in the present state of our commercial relations, when the proclamations and decrees of the belligerents of Europe impede the progress of our mercantile pursuits in almost every part of the world, we consider the imposing of the Embargo, a wise, and highly expedient measure, and from

its impartial nature calculated to secure to us the blessings of peace.

Resolved, That in the convulsed state of the civilized world, when a war of exterminating aspect spreads its destructive consequences over nations remote from the scene of its immediate fury, and when the experience of former ages, affords no assistance in calculating its effects or duration, that we repose the highest confidence in the wisdom and patriotism of the national government, to arrest from us, if possible, the impending danger, or in the event of encountering it, to direct our energies with a spirit and decision becoming the rulers of a *free and Sovereign People.*

XCI.

Resolve on the petition of Benjamin Lincoln, Esq. directing the agents of Eastern lands to give a copy of a deed of certain land, and making such copy valid. February 10th, 1806.

Whereas Benjamin Lincoln, of Hingham in the county of Plymouth, Esq. by his petition to the Legislature at their present session, states that the original deed from the committee for the sale of eastern lands, dated the seventh day of March, in the year of our Lord seventeen hundred and eighty six, to him the late Thomas Russell, Esq. and the late Hon. John Lowell, now both deceased, their heirs and assigns of two townships of land in the County of Lincoln, but now within the County of Washington; being numbers one and two, has been casually lost, and has never been recorded either in said county of Lincoln or said County of Washington; and prays that the title acquired by him the said Benjamin, and his said associates by virtue of the deed aforesaid, may be confirmed to them, their heirs and assigns.—And whereas it appears that the facts set forth in the said petition are true, and it is reasonable that the prayer thereof should be granted.

Therefore resolved, That the title acquired by the deed aforesaid to the said townships be, and the same is hereby confirmed to the said Benjamin, Thomas and John: their heirs and assigns, upon the terms, conditions and provisos contained in the said deed; and that a copy from the record of said deed in the Land Office of this Commonwealth, certified as a true copy of the same, by the agents for the sale of eastern lands, shall, for all legal purposes, have the same force and effect as the said original deed might or could have, if produced.

XCII.

Resolve on the petition of Thomas Stimpson and others, for a company of Cavalry. February 12th, 1808.

On the petition of Thomas Stimpson and others praying for liberty to raise by voluntary enlistment a company of cavalry, in the fourth regiment, second brigade, and second division of the militia of this Commonwealth.

Resolved, That his Excellency the Governor, with the advice and consent of Council, be and he is hereby authorized and empowered to raise by voluntary enlistment a company of cavalry within said fourth regiment, second brigade, and second division of the militia of this Commonwealth. Provided the standing companies in said regiment, are not reduced thereby below the number prescribed by law. Said company of cavalry when raised, to be attached to the squadron of cavalry in said second brigade, and second division and subject to all such rules and regulations as are, or may be provided by law for governing the militia of this Commonwealth.

XCIII.

Resolve on the Petition of James Robinson for the extension of time for building Pond Street. February 13th, 1808.

Upon the petition of James Robinson, President of the Pond Street Corporation, praying in behalf of said Corporation, an allowance of further time to build and complete a street from the Boston side of Charles-river bridge to Hanover Street, across the Mill pond in Boston.

Resolved, That one year from the first day of January last, be and is hereby allowed to said Corporation to complete said street.—And that said street, or such part thereof as shall be made on or before the first day of January 1809, shall become a street and highway for the accommodation of the public.

XCIV.

Resolve on the Petition of Ebenezer Poor, jun. Feb. 16th, 1808.

On the petition of Ebenezer Poor, jun. and others praying for assistance in making a road through the tract belonging to this Commonwealth, adjoining the northeasterly part of East Andover, being a part of the road now opening from Canada, through the northern notch of the White Hills in the State of New-Hamp-

shire by Errol and East Andover to Hallowell and Portland.—
Resolved; That there be and hereby is granted to the said Ebenezer Poor, jun. his heirs or assigns, three thousand acres of land, to be laid out under the direction of the agents for the sale of Eastern lands, in one tract, in any of the land belonging to this Commonwealth, excepting the tract through which said road passes, and the ten townships purchased of the Indians, on Penobscot river. Provided that the said Ebenezer Poor, jun. shall within eighteen months from the passing of this resolve open and complete, or cause to be completed, a good and passable road for travellers, and teamsters, with their horses, teams and carriages, at least sixteen feet in width, with all the necessary causeways and bridges extending from East Andover to the northwesterly line of the tract aforesaid, in the most convenient direction to meet the aforesaid road leading by Errol and East Andover, to Hallowell and Portland; and the Justices of the Court of the General Sessions of the peace for the county of Oxford, or the major part of them are hereby directed to view and examine said road when completed, and if in their opinion the same is done according to the true intent and meaning of this resolve, they shall make a certificate thereof; and the committee for the sale of Eastern lands, or the major part of them, are hereby directed, upon the receipt of such certificate, to execute a deed to the said Ebenezer Poor, jun. his heirs or assigns of the tract aforesaid, in manner as above described.

XCV.

Resolve on dividing taxes between West Cambridge, Brighton, and Cambridge. Feb. 16th, 1808.

Whereas the town of West Cambridge, and the town of Brighton, at the last valuation, belonged to, and were a part of the town of Cambridge, and the same have since become separate towns by acts of the Legislature, and no provision is made in the acts of incorporation of said towns of West Cambridge and Brighton; what proportion of the tax of the town of Cambridge arising from the polls and estates of the inhabitants of the said towns of West Cambridge and Brighton, shall be placed to said town.

Therefore resolved, That the sum of one dollar and fifty-three cents be, and hereby is deducted from the valuation of the town of Cambridge and charged to the town of West Cambridge, as their proportion for taxation until a new State valuation be taken.

Be it further resolved, That the sum of one dollar and eight

cents, be and hereby is deducted from the valuation of the town of Cambridge, and charged to the town of Brighton, as their proportion for taxation, until a new State valuation be taken.

XCVI.

Resolve authorizing any attorney for the Commonwealth to discharge two executions against Hervey Prebles. Feb. 18, 1808.

Whereas Hervey Prebles, of Blanford in the county of Hampshire, has represented, by petition, that he is a prisoner in goal at Northampton, on two executions in favor of this Commonwealth, one for the sum of one hundred and twenty dollars, the other for sixty dollars, and the costs of scire facias; which sums have been paid by the sureties, on default upon his recognizances for the aforesaid sums, and that he is wholly unable to pay the same.

Therefore *resolved*, For reasons set forth in his petition, that any attorney for the Commonwealth, be, and he is hereby authorized to discharge said executions upon the payment of costs and prison charges.

XCVII.

Resolve granting monies to Horatio G. Balsh for services as agent for this Commonwealth, and Indian affairs.

February 19th, 1808.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth to Horatio G. Balsh, agent for the Penobscot tribe of Indians, and agent for the Commonwealth's lands, one hundred and sixty-five dollars and twenty-nine cents, in addition to the sum of one hundred and eight dollars now in the hands of said agent, in full for his services and expenses as agent, as aforesaid; and his Excellency the Governor, with the advice of Council is requested to issue his warrant on the Treasury accordingly.

And whereas by the said agent's report annexed to, and accompanying his account against this Commonwealth, there appears to be in the hands and possession of said agent, sundry notes belonging to this Commonwealth, taken by him the said agent as aforesaid, for the rent or lease of meadows, amounting to two hundred and ninety-two dollars, and eighty-eight cents.

Therefore be it resolved, That the notes as aforesaid taken by said agent for the rent of meadows, be collected and held by said agent, subject to the future disposition of the General Court.

XCVIII.

Resolve granting two hundred and forty-eight dollars, seventy-one cents, to Nathaniel Dummer and others, Commissioners to adjust a settlement with the Pejepscot proprietors and settlers on their lands. February 20th, 1808.

On the petition of Nathaniel Dummer, John Lord, and Ichabod Goodwin, commissioners, appointed by the Governor and Council, under a resolve of 1798, and one other resolve of 1801, to adjust a settlement between the Pejepscot proprietors, so called, and the settlers on the said proprietors' land in the District of Maine.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth to Nathaniel Dummer, John Lord, and Ichabod Goodwin, Esquires, the sum of two hundred and forty-eight dollars and seventy-one cents, being the balance in full for their services, in executing the duties of their trust under the aforesaid commission and resolves. And his Excellency the Governor with the advice of Council, is requested to issue his warrant for the said sum on the Treasury accordingly.

XCIX.

Resolve for loaning Ephraim Bruce, of Shrewsbury, eight hundred dollars. February 20th, 1808.

Resolved, For reasons in the petition set forth, that there be advanced and paid out of the Treasury of this Commonwealth on loan to the said Ephraim Bruce, the sum of eight hundred and ten dollars. And that his Excellency the Governor, with the advice of Council, be, and hereby is requested to draw his warrant on the Treasurer accordingly.

Provided, That the said Ephraim Bruce shall first give bond to the Treasurer of this Commonwealth in the sum of twelve hundred dollars, conditioned that he the said Ephraim Bruce shall repay the said sum of seven hundred and sixty dollars, with interest therefor, whenever he shall be thereunto required.

C.

Resolve discharging the Quarter Master General of money received, and making an appropriation for his department.
February 20th, 1808.

Resolved, That Amasa Davis, Esq. Quarter Master General be, and he is hereby discharged from the sum of eleven thou-

sand and seventy-nine dollars and twenty-three cents, viz. five thousand dollars drawn on warrant, dated February 24th, 1807; five thousand five hundred dollars drawn on warrant, dated August 28th, 1807; and five hundred and seventy-nine dollars and twenty-three cents, received on account of the Commonwealth, from Samuel Brown, Esq. agent for the United States, for fifty thirteen inch shells.

Resolved, That one thousand eight hundred and eighty-four dollars and seventy-seven cents be paid to the said Amasa Davis, Esq. out of the Treasury of this Commonwealth, as the balance of his account with the Commonwealth, up to the first day of February, 1808, including his salary, office rent, and clerk hire, for one year, ending the 17th day of January, 1808.

And be it further resolved, That the sum of fifteen thousand dollars be paid to the said Quarter Master General from the Treasury of this Commonwealth, to meet the expenses of his department the ensuing year, for the application of which he is to be accountable; and that his Excellency the Governor be requested to issue his warrant on the Treasury for the amount, at such periods, and in such sums, as his Excellency with advice of Council may deem expedient for the public service.

CI.

Resolve on the Petition of Chester Smith, authorizing him as administrator to execute a deed to the inhabitants of West Springfield. February 20th, 1808.

On the petition of Charles Smith, administrator of the estate of Noadiah Smith, late of West Springfield, deceased, setting forth, that about ten years ago, the said deceased contracted with the Selectmen of said town for a certain piece of land, with an orchard on the same, lying near his dwelling house in said town; and in consideration thereof, the said deceased agreed to deed to the inhabitants of the said town a certain piece of land with a small house on the same, that the said deceased made out his deed to the said town, but did not execute it, and entered into the improvement of the first mentioned premises, and by order of the Selectmen, one Samuel Ward, a pauper, entered into the possession and improvement of the last mentioned premises, and praying that he may be authorized in his said capacity to make and execute a deed to the said town of the last mentioned premises, upon condition the Selectmen of said West Springfield, in

behalf of the inhabitants of said town, shall make and execute to the widow and heirs of said deceased a deed of the first mentioned premises.

Resolved, that the said Chester Smith be, and he hereby is authorized in his capacity of administrator, to make and execute a good and sufficient deed to the inhabitants of West Springfield of a certain piece of land with a small house on the same, lying in said West Springfield supposed to contain one and a half acres: bounded northwardly on a highway, west, south, and east on land owned by Jere Stebbins, Esq. *Provided*, The Selectmen of said West Springfield, for the time being, in behalf of the Inhabitants of said town; shall make and execute to the widow and heirs of said Noadiah Smith deceased, a good and sufficient deed of a certain piece of land mentioned in said petition, lying near the dwelling house of the said deceased, with an orchard on the same, estimated to contain about one and a half acres, bounded westerly on a highway, northwardly on land of Rev. Doctor Lathrop, eastwardly on land of Levi Brooks, and southwardly, partly on a highway; and the deed thus made by the said Chester Smith, shall be as good and valid as if it had been made by the deceased in his life time.

CII.

Resolve on the Petition of Nathan Kimball and others authorizing James Kimball to execute a deed to Asa, Uriah, and Daniel Gage. February 20, 1808.

On the petition of Nathan Kimball, Elijah Kimball, Uriah Gage, Daniel Carleton, and James Kimball, stating that in the life time of Asa Gage, late deceased, and on whose estate the said James Kimball is administrator, the said Asa together with the said Uriah Gage and Daniel Carlton received a deed of conveyance from the said Nathan Kimball, of certain real estate therein described under an agreement to dispose of the same, for the payment of the said Nathan's debts, and to return to him the said Nathan his heirs or assigns, the overplus, if any there should be, and further stating that the whole object of said agreement was not effected during the life of said Asa; and praying that the said James Kimball, administrator on the said Asa's estate, may be authorized to fulfil the same so far as it concerns the said Asa.

Resolved, That the prayer of said petition be granted, and that the said James Kimball, administrator on the said Asa Gage's es-

tate be and hereby is empowered together with the said Uriah Gage and Daniel Carlton to sell, and by deed or deeds duly executed, to convey all such parts of the real estate of the said Nathan as the said Nathan conveyed to the said Asa, Uriah and Daniel for the purposes aforesaid, as remained unsold at the time of Asa's decease, and to do and perform whatever the said Asa might or ought to do and perform in and about the premises were he now in full life.

CIII.

Resolve empowering James Prentiss of Boston to sell certain real estate. February 23, 1808.

On the petition of James Prentiss, of Boston in the County of Suffolk, Merchant, setting forth that he is guardian of Sally Gardner, Mary Ann L. Gardner, and Nathaniel Gardner, minor and heirs of Nathaniel Gardner deceased, and Helen Maria Mellen, and Sophia Ann Mellen minors, and heirs of Leonard Mellen deceased, and that said Minors are interested in certain lands situated in township number four, in the fifth range of townships lying between Kennebeck and Penobscot rivers.

Resolved, for the reasons set forth in said petition that he, the said Prentiss, be authorized, and he is hereby fully authorized and empowered to sell and dispose of all or any part of the lands aforesaid, or any of the interest of said minors therein at private sale or otherwise, in such manner, and on such terms as he shall judge most conducive to the interest of his said wards, and that his deed therefor duly executed, acknowledged and duly recorded, shall make to the grantee or grantees thereof, as good and perfect a title thereto as the said minors respectively have therein at the time of such grant, he the said Prentiss being at all times liable to account for the proceeds of such sale in the same manner, as he whold by law be liable to account for the sale of the personal estate of said Minor. *Provided nevertheless*, that the said Prentiss shall first give bonds to the Judge of Probate, for the County of Middlesex, and his successors in said office, for the use of said minors, in such sum and with such surety or sureties, as shall be satisfactory to said Judge, faithfully to account for the proceeds of the sales hereby authorized, as he would by law be liable to account for the sale of the personal property of said minors.

CIV.

Resolve discharging Thomas Andrews from five several executions.
February 23, 1808.

On the petition of Thomas Andrews, of Boston in the County of Suffolk, praying that the sum of five hundred and seventy-six dollars, due from him to this Commonwealth, by virtue of five several executions dated the seventh day of December in the year of our Lord, one thousand eight hundred and five, which executions issued on several judgments, rendered by the supreme judicial court holden at Boston, within the county of Suffolk, and for the counties of Suffolk and Nantucket on the third Tuesday of August in the year of our Lord one thousand eight hundred and four.

Resolved, That the whole of the aforesaid sum due by virtue of the five executions aforesaid, be and hereby are remitted to said Thomas Andrews, and that the Sheriff of the county of Suffolk be and he hereby is directed to discharge said Andrews from prison, provided he is there confined for no other cause than the five executions aforesaid.

CV.

Resolve allowing Thomas Gardner to choose a lot of land in lieu of twenty dollars gratuity. February 24th, 1808.

Resolved, For reasons set forth in said petition; that the said Thomas Gardner, have, and he hereby has liberty to choose a lot of two hundred acres of land, as laid out in the township of Marshall, and to receive a certificate of the same, in the same way and manner as he might have done, had he originally made his application for land. And the treasurer of this Commonwealth is hereby empowered and directed to erase the name of Thomas Gardner from a warrant now in his office in which the said Thomas is entitled to receive the sum of twenty dollars.

CVI.

Resolve directing the Treasurer to subscribe ten certificates of six per cent stock of the United States &c, to the new loan.
February 24th. 1808.

Be it resolved, That the Treasurer of this Commonwealth, be, and he is hereby authorized and directed to subscribe the ten

certificates of six per cent stock of the United States, amounting to seventy-six thousand, six hundred, and eighteen dollars, seventy-four cents; and the certificate of three per cent stock for two thousand four hundred and sixty-eight dollars and ninety-five cents, which are the property of this Commonwealth and are transferable to the new loan, opened at the loan office of the United States for this State. And that he be, and he is hereby authorized and directed to receive the new six per cent stock proposed to be issued in lieu thereof.

CVII.

Resolve granting a township of land to the town of Plymouth. —
February 24, 1808.

On the petition of the inhabitants of the town of Plymouth praying for further Legislative aid, for the security and preservation of their harbour; by repairing the beach mentioned in said petition.

Resolved, For reasons set forth in said petition that there is hereby granted to the said town of Plymouth, for the purpose aforesaid, a township of land six miles square to be laid out and assigned to them by the agents for the sale of eastern lands, out of any unappropriated lands in the District of Maine, with the usual reservations and restrictions, excepting the ten townships of land on Penobscot river purchased of the Indians. *Provided however*, that the said town of Plymouth shall within two years from the passing of this resolve, raise and appropriate four thousand five hundred dollars, in addition to the above grant, the whole to be applied, and laid out under the direction of William Davis, Nathaniel Goodwin, and Zacheus Bartlett, Esq'rs, the agents who were appointed by a resolve passed the fourth day of March, in the year of our Lord one thousand eight hundred and six. *Provided also*, that the said town of Plymouth shall cause the said township to be surveyed and located, and a plan thereof returned into the Land Office, within the term of three years.

CVIII.

Resolve on the petition of Elijah Baker and others appointing a Committee to ascertain the facts relative to their loss, by running the line between this State and New-York.

February 24th, 1808.

On the petition of Elijah Baker, and others setting forth

that by running of the line between this Commonwealth and the State of New-York, in the year 1787, certain parts of their farms situate in the towns of Egremont and Allford in the County of Berkshire, and Hillsdale in the State of New-York, and formerly residents in Egremont and Allford, and praying for compensation for the loss of said lands.

Resolved, That Simon Learned, Moses Hopkins and Azariah Eggleston, Esquires, be a Committee to repair to the aforesaid towns, at the expense of the petitioners to examine into the facts set forth in said petition, and report at the first sessions of the next General Court.

CIX.

Resolve authorizing Jonathan Harris to execute a release of the right of his wards to a house in Cornhill, in Boston, &c.

February 25th, 1808.

Whereas it appears to this Court, by the petition of Jonathan Harris, James Green, Thomas Millar, and Benjamin Goodwin, and the documents accompanying the same, that Richard Devens, late of Charlestown in the county of Middlesex, Esquire, deceased, in and by his last will and testament, devised certain real estate which he owned in Centre wharf, so called, in Boston, one half thereof to his daughter Mary Harris, and the other half thereof to the children of his late daughter Rachel Green, but that after making said will, said testator conveyed most of his estate in said wharf to the Broad street Association in the town of Boston, and in lieu thereof became interested in the capital stock and property of said corporation, to the amount of one seventh of one twentieth of the whole. That said testator always afterwards considered the said property last mentioned as a substitute for his said estate in Centre wharf, and supposed that the same would pass to said devisees as such by force of said will, but it is doubted whether the same can so pass. And whereas it further appears as aforesaid, that the said testator in and by his said will did also devise to the heirs of his late son David Devens, one half of a certain house in Cornhill in Boston; and in the same clause of said will, did further declare that he held a deed from his said son of the other half of said house, but that it was given on a particular occasion, and through neglect the same was not deeded back again to his said son; and therefore that the whole of said house was to be the property of the heirs of his said son at the said testator's decease; and doubts are entertained whether the whole

of said house, with the appurtenances passes to the heirs of his said son by said lease. And further, that in and by the residuary clause in said will, the said testator gave and bequeathed all the residue and remainder of his estates, real and personal, that he should leave otherwise undisposed of at his decease, to all his grand children that should then be living, to be equally divided between them. And that the said testator appointed the said Harris, Green, and Millar executors of his said will. And it further appears aforesaid, that said petitioners, and all the said grandchildren who are of full age, are satisfied that it was the intention of said testator that all his right in the capital stock or property of said Broadstreet Association, should pass by his said will to his said daughter Mary Harris, and the children of his said daughter Rachel Green. And that all his estate in the said house in Cornhill, with the appurtenances, should pass by said will to the children of his said son David. And that such of the said grandchildren as are of full age have accordingly executed the releases necessary on their part respectively to carry the said intentions into effect; and furthermore, that the said Jonathan Harris, James Green, and Benjamin Goodwin are guardians respectively of all the grandchildren of the said testator who are under age. That is to say that Jonathan Harris is guardian of Henry Harris, George Harris, Harriot Harris, Charlotte Harris, and Amelia Augusta Harris. And the said James Green is guardian of Abigail D. Green and Richard D. Green; and the said Benjamin Goodwin is guardian of Charles Devens. And the said petitioners therefore pray, that the said Jonathan Harris, James Green, and Benjamin Goodwin may be respectively authorized to make and execute good and sufficient releases to extinguish the rights or claims of their respective wards derived to them from said residuary clause, in and to the said capital stock or property of the said Broadstreet Association, and in the said house with the appurtenances in Cornhill in Boston, saving however to the said Abigail D. Green and Richard D. Green, together with their brother the said James Green, jun. the right to one moiety of said testator's interest in said capital stock or property of said Broadstreet Association, pursuant to said testator's intentions.

Therefore resolved, That the said Jonathan Harris be, and he hereby is authorized for, and on behalf of said wards, to make and execute to the heirs of the said David Devens, deceased a good and sufficient release and extinguishment of all the right and claim of his said wards in and to said house in Cornhill in Boston with

the appurtenances: And also to make and execute to the said Mary Harris, and to the children of the said Rachel Green deceased respectively, a good and sufficient release and extinguishment of equal halves, of all the right and claim of his said wards, in and to the capital stock; or property of the said Broadstreet association: And also that the said James Green, be and he hereby is authorized for, and on behalf of his said wards to make an execute to the heirs of the said David Devens deceased a good and sufficient release, and extinguishment of all the right and claim of his said ward in and to the said House in Cornhill in Boston, with the appurtenances. And also to make and execute to the said Mary Harris, a good and sufficient release or extinguishment of one half of all the right and claim of his said wards, in and to the capital stock or property of said Broadstreet Association. And also that the said Benjamin Goodwin be, and he hereby is authorized for and on behalf of his said ward, to make and execute a good and sufficient release and extinguishment to the said Mary Harris, of one half of all the right and claim of his said ward, in and to the capital stock, or property of the said Broadstreet association, and to make, and to execute to the children of the said Rachel Green deceased, a good and sufficient release and extinguishment of the other half of his said ward's right or claim in and to the said capital stock or property of said Broadstreet association.—*Provided however,* That all and every of the said releases, shall only extend to release and extinguish such rights or claims of the said wards respectively, as are derived from, and by the said residuary clause in said will.

CX.

Resolve for paying fifty dollars to the Gentleman, who shall preach the Election Sermon. February 25, 1808.

Resolved, That the Gentleman who shall preach the Election Sermon on the last Wednesday of May next, shall be allowed and paid out of the Treasury of this Commonwealth the sum of fifty dollars.

CXI.

Resolve directing the Treasurer to credit Ballstown one hundred and seventeen dollars, and ninety cents, and issue his warrant against Jefferson for the same amount. Feb. 25, 1808.

Whereas the treasurer of this Commonwealth has issued his warrant against the town of Ballstown in the county of Lincoln, for two hundred and fourteen dollars, sixty six cents, it being the sum assessed to said town for the year 1807. And whereas a town by the name of Jefferson, lying within the former limits of the town of Ballstown, has been incorporated since passing the tax act, for 1807. And whereas the two towns have mutually agreed upon the sum each should be holden to pay of said tax, viz. the town of Jefferson, one hundred seventeen dollars ninety cents ; the town of Ballstown ninety-six dollars, seventy-six cents.

Therefore resolved, That the treasurer of this Commonwealth pass to the credit of Ballstown the sum of one hundred and seventeen dollars, ninety cents, and issue his warrant for the same amount against the town of Jefferson.

CXII.

Resolve on loaning five hundred dollars to Nahum Wait and Alpheus Davis. February 25, 1808.

Upon the petition of Nahum Wait and Alpheus Davis, setting forth that one Daniel Murray, administrator with the will annexed of John Murray, Esq. at the district court holden at Boston in the District of Massachusetts, on the first day of June last recovered judgment against them for the possession of certain premises described in the writ of said Daniel, which had been heretofore conveyed in Mortgage to the said John deceased, unless they should pay to the said Daniel in his said capacity three hundred and forty seven dollars, and twenty cents, as in the same judgment is expressed, and further stating that they have heretofore paid into the treasury of this Commonwealth a certain sum in satisfaction of the original mortgage and praying for some relief in the premises.

Resolved for reasons in the same petition set forth, that there be advanced and paid out of the treasury of this Commonwealth, on loan, to the said Nahum Wait and Alpheus Davis, the sum of five hundred dollars. And that his Excellency the Governor, with the advice of Council, be and hereby is requested to draw his warrant on the treasury accordingly.

Provided, That the said Nahum Wait, and Alpheus Davis, shall first give bond to the treasurer of this Commonwealth in the sum of one thousand dollars, with sufficient surety, conditioned that they, the said Nahum and Alpheus, shall repay the said sum of five hundred dollars, with the interest thereof whenever they shall be thereunto required.

CXIII.

Resolve granting John Wells thirty dollars for apprehending Zadock Sherman. February 26, 1808.

On the petition of John Wells, praying for compensation for pursuing, apprehending and committing to goal Zadock Sherman.

Resolved, For reasons set forth in said petition that there be paid out of the treasury of this Commonwealth to said John Wells, thirty dollars; and that his Excellency the Governor be, by and with the advice of the Council requested to issue his warrant accordingly.

CXIV.

Resolve on the petition of George Ulmer and others, granting one quarter of a township to the proprietors of Duck trap Bridge. February 26, 1808.

On the petition of George Ulmer and others, proprietors of Duck trap Bridge, praying for legislative aid to enable them to rebuild said bridge.

Resolved, For reasons set forth in said petition that there is hereby granted to said proprietors for the purpose aforesaid, one quarter of a township of land, of the contents of six miles square, out of any of the unappropriated lands in the District of Maine, excepting the ten townships lately purchased of the Penobscot Indians, to be laid out under the directions of the agents for the sale of Eastern lands, who are hereby authorized and directed to give a good and sufficient deed of the same, subject to the usual reservations and conditions of settlement.

Resolve on the Petition of Caleb Gannett and John Mellen, authorizing them to make roads through lots of certain minors. February 26th, 1808.

On the petition of Caleb Gannett and John Mellen guardians of their respective children, after named, viz. Caleb Gannett,

guardian of Thomas Brattle Gannett, and Elizabeth Latham Gannett, and John Mellen guardian of Catharine Saltonstall Mellen, and John Wendell Mellen, praying that they may be authorized to lay out such, and so many roads through certain lots of lands in Cambridge, in the county of Middlesex, as in the judgment of said guardians, and of the other proprietors of said lots will enhance the value of the same.

Resolved, That said Caleb Gannett and John Mellen be, and they hereby are authorized to unite with the other proprietors of said lots, in laying out and making roads through said lots, in the same manner that said minors could have done were they of the full age of twenty-one years.

CXVII.

Resolve empowering Lemuel Winslow, to vest a sum of money in real estate, for the use of Lemuel Sherman. Feb. 26th, 1808.

On the petition of Lemuel Winslow, guardian of Lemuel Sherman, of Rochester in the county of Plymouth, a non compos.

Resolved, That the prayer of the petition be granted, and that the said Lemuel Winslow be authorized and empowered, and he is hereby authorized and empowered to vest a sum of money the property of the said Sherman, now in the hands of said guardian, in real estate, in the name and for the use of the said Lemuel Sherman under the care and direction of the Selectmen of the town of Rochester. And the Judge of Probate for the county of Plymouth be, and he is hereby authorized on being satisfied that the said Lemuel Winslow has complied with the object, and intention of this resolve; to allow and pass to the credit of the said Lemuel Winslow in the accounts of his guardianship of the estate of the said Lemuel Sherman such sum as he shall expend in the purchase of real estate according to this resolve.

CXVIII.

Resolve on the petition of Joseph Wales authorizing the Judge of Probate of Worcester, to appoint agents to settle estate of Abijah Willard deceased. February 26th, 1808.

On the petition of Joseph Wales, praying for leave to sell the remaining part of the estate of Abijah Willard, late of Lancaster, deceased, an absentee, being that part of said estate which was set off to the widow of said deceased, for her right of Dower, during her natural life, and she being also now deceased.

Resolved, That the Judge of Probate for the county of Worcester be, and he is hereby authorized to appoint some suitable person, other than the above-named petitioner, to settle said estate, such person so appointed, giving security for observing and conforming to the rules and regulations of the law in settling insolvent estates.

CXIX.

Resolve on the petition of Samuel Freeman, Esq. Judge of Probate for Cumberland county, authorizing the Court of Sessions to make him allowancee. February 26th, 1808.

On the petition of Samuel Freeman, Esq. Judge of Probate for the county of Cumberland stating that his present allowance is not an adequate compensation for his services; and it appearing that the same is insufficient:

Therefore resolved, That the Court of Sessions for said county be and hereby are authorized and empowered to make the Judge of Probate for said county for the time being, such allowance for his services in addition to the fees that are or may be established by law as they may judge reasonable and just, to be paid out of the treasury of said county.

Provided however, That such allowance together with such fees, shall not exceed the sum of three hundred dollars per annum.

CXX.

Resolve on the Petition of Thomas Powers. Feb. 27th, 1808.

On the petition of Thomas Powers, praying that the time for receiving and allowing claims on the estate of James Sloan, late of Greenwich in the county of Hampshire, represented insolvent, may be extended.

Resolved, For reasons set forth in said petition, that the Judge of Probate for the county of Hampshire be, and he hereby is authorized to extend the commission of insolvency on the estate of said James Sloan, so as to allow the commissioners therein named a further time of ninety days from the passing of this resolve, to receive, examine, and allow any further claims to said estate, which to them may appear reasonable and just, they giving notice of the time and place of their sitting, by advertizing the same three weeks previous thereto, in the Hampshire Gazette, printed at Northampton, in said county of Hampshire: *Provided however*, that the whole expense arising under this resolve, be borne by such creditors as shall prove new claims, in proportion to their respective claims.

CXX.

The Committee appointed to explore and survey a rout for a water communication from the harbour of Boston, through the towns of Weymouth, Abington, Bridgewater, Raynham, by Taunton river, Narraganset bay, to Long-Island Sound, beg leave to

REPORT—

That they commenced the survey at high water mark, Weymouth Fore River Landing, and passed over the most suitable land for making a water communication through the towns described in their commission, taking the course, distance, and difference of level at every station. The distance on this rout from the commencement of the survey, to the tide water at Williams's landing place, Taunton river, is twenty-six miles; the highest land they passed over, is at Howard's meadow, in Bridgewater, which is an hundred and thirty-two feet, ten inches and four tenths above the tide waters. This height we should have considered as an insurmountable impediment, and have abandoned any further survey, but from the elevated situation of the ponds in its vicinity, viz. Weymouth Great Pond is about four miles from the Landing place, the height of which is an hundred and forty-seven feet, five inches and four tenths above the tide water, and fourteen feet seven inches above the highest land on this rout. The surface of this pond contains five hundred and seven acres, sixteen rods; its depth varies from ten to eighteen feet. The overflowing of this pond formerly was in two directions, one running to the south into Taunton river, the other north into Weymouth river, but the late improvements for the erection of mills on the northern outlet, has so lowered the pond, that the water now passes through this outlet only, on which stream there are five mills, which in some years, as in the last, were kept constantly in use during the dryest seasons. The banks of this pond are well calculated to raise its waters at a very small expense. Cramberry Pond is situate in Braintree, about four miles from the summit height in Howard's meadow, which is well calculated for a reservoir, being surrounded with high land on every part, excepting one natural outlet at the northerly end, of fifty feet in breadth, across which there is the remains of an ancient mill-dam, which might be easily rebuilt, and raised eight or ten feet; its surface is an hundred and sixty feet, nine inches and six tenths higher than the tide water, making it twenty-seven feet, eleven inches and two tenths above the summit height; there is also a stream which empties itself rapidly into this pond at the

southerly end. The communication of Weymouth Great Pond with the summit height, must unavoidably pass by the outlet of Cranberry Pond, by which it can be connected, or not, as occasion may require. This communication will intersect several small streams which would serve as auxiliaries to supply any loss of water in its passing from the ponds to the summit level. There are also several streams at the west of the summit, which, if requisite, might easily be led as feeders for the Canal at the upper level; the most noted of them are, one from the Bear Swamp, the other from Curtis's Pool. Of the Ponds adjacent, there are two in Braintree, one called the Great, the other the Little Pond. The Great Pond is situated about five miles from the summit height, and is an hundred and nine feet, five inches and two tenths above tide water; this can be conveyed to the third level if needed, on the northerly part of the Canal. The largest pond on this rout is situated partly in Bridgewater, and partly in Raynham, called Nippimicket Pond, is reputed to contain about a thousand acres; its surface is forty-nine feet, one inch and four tenths above the tide water. This pond alone is sufficient to supply the whole of the Canal below its level on the southerly part of it, till it meets Taunton river at Williams's landing; from whence the river is navigable to Narraganset bay, and Long-Island Sound. We passed also (on this rout) by Furnace and Forge Ponds, which could easily be conveyed to the Canal, if an additional supply is wanted in the lower levels.

We observed throughout this survey, that the streams generally inclined towards the east, and the land appearing more favourable for a Canal, induced us to survey a more eastern rout, commencing at Weymouth Back Landing and passing through the towns described in our commission, as far as Titicut Bridge, which is over the principal branch of Taunton river, the distance about twenty-three and one fourth miles, noting in the same manner the course, distance, and level of each station, as in our former rout, both of which are described on the Plan. The summit height on this rout is at Curtis's meadow, where, as on the other rout, the waters divide itself, and take different directions, one part running southerly towards Taunton river, the other northerly to Weymouth river; its height an hundred and thirty-one feet ten inches above tide water. The Weymouth Great Pond can be led to this summit with much less expense, than to the summit of the former rout, the distance is about three and an half miles, and is fifteen feet, seven inches and four tenths lower than the Pond. Cranberry Pond can also be led into it, if more water is needed. The first pond we pass on this rout,

is Whitman's Pond, in Weymouth, about three quarters of a mile from Back River Landing, and is fifty-four feet, ten inches and nine tenths above tide water, and can be conducted to the fifth level. This Pond is sufficient to supply all the Locks below its level on the north part of the Canal. The next pond is called Burrill's Mill-Pond, which is ninety feet, two inches and five tenths above tide water; this will serve for a reservoir for the third level. On the north part of the Canal, in Abington, we pass by Nash's Mill-Pond, which is eighty-two feet, five inches and seven tenths above tide water, which will furnish water for the fourth level; this rout can be fed with many small streams which we intersect, as also some small rivers. After crossing John's river in Bridgewater, which leads into Taunton river in a very circuitous rout, and bordered with swamps, we avoided following the course of the river, and crossing over the high lands, we intersect the same water at Titicut Bridge, where we finished this survey.

In both those routs more favorable ground for a Canal might be selected, than is represented on the Plan. Such a correct survey would require much time, and consequently create great expense. Your committee, considering that the information of the practicability of such an object was all that the Honourable Court required of them. From the quantity of water which is above the summit height; we readily formed an opinion that a Canal might be made to connect Taunton great river with the harbour of Boston; but the calculation of the size and draught of water, we agreed to defer until the survey was completed, but by the dispensation of Providence in the death of Colonel Baldwin, your Committee, as well as the public, are deprived of the talents and abilities he possessed in this particular branch of his profession; we should have discontinued our survey, and made a particular Report of the progress made at the time of his decease. But considering that through the whole course of our survey, there were but few instances of a difference in opinion, and those not so material as to affect the principle.

As Canals wholly depend on an ample supply of water at their summit height, to enable us to form a more correct judgment, we took an accurate survey of the Weymouth Great Pond, from which we make the following calculation:

1st. That the surface of the Pond contains five hundred and seven acres and sixteen rods, equal to 22,089,276 square feet.

By raising the waters of the Pond three feet will give the command of five feet depth, making 110,446,380 cubic feet,

Admitting a canal to be built, sufficient to receive a vessel from seventy-five to an hundred tons burthen, drawing eight feet of water, such as the coasting vessels which trade between Boston and New-York—those employed in the Southern trade draw less water, being of the same burthen—the Locks in this case must be in length eighty feet, breadth twenty-two, depth ten—making for each Lock, 17,600 cubic feet.

At this upper level there will be a loss of 2 Locks of water for each vessel—35,200 cubic feet,

Supposing 12 passages each day—422,400 cubic feet.

For 8 months, or 244 days, is cubic feet 103,065,600

Leaving for waste by leakage, evaporation, &c. 7,380,780

110,446,380

Exclusive of Cranberry Pond, which at five feet

deep, affords 6,534,000

With the above surplus, 7,380,780

Which allows one eighth part for loss, 13,914,780

Without considering the flow from springs, inlets and rains, this Pond is 13 feet 4 inches 2-10ths higher than Weymouth Pond.

The upper level on either rout may be reduced ten feet for one mile in length, in which the water will accunulate sufficient to supply any loss by exhaltation, and not being so exposed to leakage, will at the same time be a saving of two Locks.

2d. The second level from the summit height, must receive its whole supply from the same source with the upper level, excepting some small streams it intersects, which may be used as freeders for this level.

3d. The third level, on the northerly part of the Canal, can receive aid from the Braintree Great Pond, which lies about eight feet higher than this level; its surface is equal to Weymouth Pond, and empties itself into Fore River; it will furnish water for all the Locks below this level.

4th. The seven upper Locks on the southerly part of the Canal must also receive their principal supply from the same source with the upper level. There are several streams at short distance from this part of the Canal, from which could be formed Reservoirs to supply any deficiency.

5th. The eighth level passes by the side of Nippinitick Pond, which is the largest Pond on either rout, and will afford all the water necessary for the Canal till it meets the tide water on Taunton Great River.

6th. On the Eastern rout, the highest grounds is at Curtis's Meadow, in Abington, which can receive its water from the same source as the other rout, with much more ease, as before stated. The seven upper levels on the northerly part of this Canal, must also receive its supply of water from Weymouth Great Pond.

7th. The eighth level passes by Whitman's Pond, which is before described, empties itself in Weymouth Black River, and contains water sufficient for all the Locks below it.

8th. The southerly part of this Canal, in addition to the water from the upper level, can receive a full supply from Blanchard's Nash's, Bicknell's, Hobart's, and the Furnace Ponds, till it meets the main branch of Taunton River, at Titicut Bridge, from whence to Taunton Landing, the distance of seven miles, the river navigation would be preferable, to continuing the Canal, if the bed of the river be lowered in some places.

The Locks and Levels described on the Plan, are of the equal height of ten feet each; the different situations and number of Locks cannot be ascertained with certainty, until the Canal is propely located. The survey was taken with the spirit level, without any deduction for the curvature of the earth.

There are many other large Ponds between the harbour of Boston and Taunton river, not being within the limits of the Resolve, were not included in the survey. On the west, in the towns of Canton, Stoughton, Sharon, Norton, &c. which perhaps might be connected with Neponset, (or Milton) river; and on the east, in Middleborough, Pembroke, Halifax, &c. which probably might better connect Taunton river with the North river, in Scituate harbour.

Many great advantages will be received by the towns through which this Canal passes, by a water communication, for the great quantity of timber, plank, &c. for ship-building, with which this part of the country abounds: The number of iron works will be accommodated, by an easy conveyance of the heavy articles of their different manufactoryes of their furnaces, forges, and slitting-mills, while the great object of facilitating the trade between this and the Southern States, is accomplished, by avoiding the great delay and danger in passing round Cape Cod, which causes the loss of many lives as well as property annually, added to the superior advantages of an inland communication by water between the capitals of New-York and Massachusetts, in a time of war.

Which is humbly submitted, by

WILLIAM TAYLOR, }
ELIPHALET LOUD, } Committee.

Boston, February 1, 1808.

The Committee to whom was referred "the report of a Committee appointed to explore and survey a rout for a water communication from the harbour of Boston through the towns of Weymouth, Abington, Bridgewater, Raynham, by Taunton river, Narraganset Bay, to Long-Island Sound"—Report,

That the Committee appear to have executed the duties of their commission, with great accuracy and fidelity, and that their Report and Plan contains much valuable information, and demonstrates the union of the Harbour and Sound to be practicable in the course surveyed.

Your Committee are destitute of the documents and information which would enable them to decide whether the proposed rout be the most eligible of any that may be discovered, and are not prepared to recommend the undertaking of this project at the public expense. They however indulge a hope, that the survey now made will invite the attention of the public, and of enterprising citizens to this useful employment; and for this purpose they recommend the following Resolve, which is submitted.

H. G. OTIS, *per order.*

Resolved, That the report of William Taylor and Eliphilet Loud, who were appointed by a Resolve of the General Court, in March 1806, "to explore and survey a rout for a water communication from the harbour of Boston to Long-Island Sound," be printed in the Independent Chronicle and Columbian Centinel, and all the other newspapers in which the Laws of the Commonwealth are published; and that said Report, and the Plan accompanying the same, be carefully preserved on the files of the General Court; and that the Committee who performed said service, present their accounts to the Committee of Accounts for allowance.

In Senate Feb. 18, 1808.

Read and passed, sent down for concurrence.

SAML. DANA, *President.*

In the House of Representatives, Feb. 22, 1808,
Read and concurred.

PEREZ MORTON, *Speaker.*

Feb. 28, 1808, Approved.

JAMES SULLIVAN,

True Copy—Attest, JONA. L. AUSTIN, *Sec'y.*

CXXI.

Resolve granting and confirming a tract of land to the town of Southwick. February 29th, 1808.

On the petition of the inhabitants of the town of Southwick, in the county of Hampshire, praying that a certain tract of land

on Sodom Mountain within the bounds of the said town of Southwick, which was originally granted to the proprietors of Westfield, and by them conveyed to said inhabitants, may be confirmed to said inhabitants.

Resolved, For reasons set forth in said petition, that a tract of land in the said town of Southwick, lying on Sodom Mountain, bounded west on Granville line, north on Westfield line, east partly on the fourth tier of lots, and partly on the road or highway, south on Connecticut line, be and hereby is granted and confirmed unto the said inhabitants of the town of Southwick and their assigns forever: *Provided however*, that nothing herein contained shall be construed to oblige this Commonwealth, in any way or manner, to make any compensation to said inhabitants for any defect of title to the same tract of land or any part thereof: *Provided also*, that nothing herein contained shall be so construed as to affect any former grant or grants of said land, or in any way to impair the lawful rights or claims of any person or persons to the same land or any part thereof.

CXXII.

Resolve on the petition of Jonathan Bowman and Wife.
February 29th, 1808.

Upon the petition of John Bowman and Hannah his wife in her right, praying that they may be authorized to sell certain real estate, devised to the said Hannah and her children, by the last will and testament of Jonathan Frye, late of Andover in the county of Essex, deceased.

Resolved, That the said John and Hannah be, and they are hereby fully authorized and empowered, to sell at public vendue, and pass deeds to convey any real estate devised to the said Hannah and her children, in and by the last will and testament of the said Jonathan Frye, deceased, and the same being duly acknowledged and registered, shall be good and valid in law to pass the same estate, *provided* they shall first advertise the time and place of the intended sale in the same manner; guardians having a licence therefor are obliged to do; *and provided further*, That they shall first give bond to the Judge of Probate in the county of Essex, with sufficient sureties to be approved by him, conditioned that they shall render an account of the proceeds of the said sale, in the Probate Office in like manner as guardians by law are required to do, and also account for the same, to their said children, or appropriate the same for their benefit, as the

said Judge shall order and decree, in the same proportions as they are entitled to have, and hold the said real estate by force of the said will, and in all other things conform to the regulations of law relating to the sale of real estate by guardians.

CXXIII.

Resolve allowing the accounts of the Trustees of the Grafton Indians. February 29th, 1808.

Whereas it appears by examining the accounts presented by the trustees of the Grafton Indians from January 12th, 1804, to the 8th September 1807, that the articles are reasonably charged, and the sums well vouched, and right cast, and that there is a balance remaining in his hands in favour of said Indians, the sum of two thousand two hundred and fifty-three dollars, and eighteen cents, and five mills. *Resolved*, That the said accounts be accepted and allowed, and that the said Trustee stands charged with the said sum of two thousand, two hundred and fifty-three dollars, and eighteen cents, and five mills, for which he is to account hereafter.

CXXIV.

Resolve on the petition of William Tudor. March 1st, 1808.

On the petition of William Tudor, Esq, and for the reasons therein set forth.

Resolved, That the said William Tudor, Esq. be and he hereby is allowed the term of twelve months to pay and satisfy an execution, now in the hands of the Sheriff of the county of Suffolk, issued on a judgment rendered at the Supreme Judicial Court in the county of Suffolk, against the said William Tudor, John Peck, and William Whetmore, Esq. *Provided*, The said William Tudor, shall on or before the return day of said execution, give security to the Treasurer of the Commonwealth to satisfy said judgment, and the interest which may arisc thereon within the time aforesaid, and the said Sheriff is hereby directed to return the said execution in no part satisfied.

CXXV.

Resolve on the Petition of Elisha Hutchinson. March 1st, 1808.

On the petition of Elisha Hutchinson of Birmingham in the county of Warwick in the United Kingdom of Great Britain,

and Ireland, guardian of John Hutchinson, a minor, and son of said Elisha Hutchinson, praying by his attorney George Watson Brimmer, of Boston, in the county of Suffolk, and Commonwealth aforesaid, merchant, for leave to sell and convey certain real estate of said John Hutchinson.

Resolved, That George Watson Brimmer, above named, be and he hereby is authorized to sell at public auction, or at private sale, and execute a sufficient deed or deeds to convey all the real estate situated in this Commonwealth, to which said John Hutchinson, is entitled, or of which he is seized as an heir to Mary Hutchinson, deceased, late the wife of the said Elisha Hutchinson and mother of the said John Hutchinson, *Provided*, that said George Watson Brimmer, shall first give bonds to the Judge of Probate for the county of Suffolk, for the time being and his successors in said office with sufficient surety or sureties, that he will apply the proceeds of such sales to the use of said minor, and account for the same to said minor.

CXXVI.

Resolve allowing to Daniel Jackson, Esq. the sum of twelve hundred and twelve dollars, seventy-two cents. March 1st, 1808.

The Committee of both Houses to whom was referred the annual account of Daniel Jackson, Esq. Superintendant of the State's Prison, ending the first day of December last, have attended that service by examining the said account as transmitted by his Excellency the Governor, amounting to eighteen thousand two hundred and twenty dollars and ninety-four cents; which they believe to be correct; and finding a balance due to said Jackson on said account, of twelve hundred and twelve dollars and seventy-two cents, they beg leave to propose the following resolve, all which is submitted.

NATHAN WILLIS, *per order.*

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth to Daniel Jackson, Esq. Superintendant of the State's Prison the sum of twelve hundred and twelve dollars, and seventy-two cents, as the balance of his account up to the first day of December, eighteen hundred and seven, and his Excellency the Governor, by and with the advice of Council, is hereby authorized to issue his warrant accordingly.

CXXVII.

Resolve on the petition of Joseph Stone. March 1st, 1808.

On the petition of Joseph Stone of Harvard, in the county of Worcester, setting forth that an execution had issued against him on his bond of recognizance at the supreme court at Worcester, for the appearance of one Isaiah Parker, for the sum of five hundred dollars, praying that the execution be stayed, to enable him to raise the money from the property left in his hands by said Parker.—*Therefore resolved,* That execution be stayed for the term of nine months, *provided*, that such security be given to the Sheriff as he shall deem sufficient to ensure the payment at that time.

CXXVIII.

Resolve on the petition of Thomas Noyes and Israel Hunting. March 2, 1808.

On the petition of Thomas Noyes and Israel Hunting praying that the heirs of William Fuller, Esq, late of Needham in the county of Norfolk deceased, may be authorized and empowered to convey by deed, a certain tract of land containing about eleven acres more or less, situate and being in that part of said town of Needham called the Hundreds.—*Resolved*, for reasons set forth in said petition, that the guardians of the minor heirs of the said William Fuller, be and hereby are authorized and empowered to join with the heirs of the said William Fuller, that are of age, in making and executing good and sufficient deed or deeds of said eleven acres of land to the said Thomas Noyes and Israel Hunting the petitioners.

CXXIX.

Resolve directing the Attorney General to stay proceedings against certain settlers in the District of Maine. March 2, 1808.

Whereas by a resolve of the General Court passed the third day of March, 1806, the Attorney General was directed to eject certain settlers in the counties of Hancock and Washington, who shall fail of completing the payment for the lots on which they had settled respectively, on or before the third day of March 1807, and whereas it appears that the said payments are not yet fully completed.—*Therefore resolved,* That the said Attorney General be directed to stay his proceedings relative to the same

for the further term of twelve months, from the passing of this resolve. And the Agents for the sale of Eastern Lands are directed in the mean time to receive any monies which the said settlers may pay, and to make out the deeds of their respective Lots, in the usual manner, any thing in the said resolve of March third, 1806, to the contrary notwithstanding.

CXXX.

Resolve to present the Chaplain with the Laws and Maps.
March 2, 1808.

Resolved, That the Secretary of the Commonwealth be and hereby is directed to present and deliver to the Rev. Mr. Baldwin the present Chaplain to both Houses, a set of the printed Laws of this Commonwealth.—A set of printed Journals.—And a set of Maps of this State.

CXXXI.

Resolve for further distribution of General Laws. March 2, 1808.

Resolved, That his Excellency the Governor, his Honor the Lieutenant Governor, and each member of the present honourable Council, and each member of the present Senate, and House of Representatives, be entitled to receive, one set of the last edition of the General Laws of this Commonwealth, who have not already each received a set of the same according to a resolve passed the thirty-first of January, one thousand eight hundred and seven. And the Secretary is hereby directed to deliver the same accordingly.

Be it further resolved, That one set of said General Laws, be, by the Secretary, delivered to each Register of Probate, and each Register of Deeds, for the use of their respective offices, and to each Clerk of the Courts of Sessions, for the use of their respective Courts, in the several Counties in this Commonwealth.

CXXXII.

Resolve on the petition of William Brewer and Isaac Davis.
March 2, 1808.

On the petition of William Brewer and Isaac Davis, administrators on the estate of Benjamin Davis, late of Brookline in the County of Norfolk, deceased, praying to be authorized to make and execute a deed to Artemas Stone of said Brookline of a

piece of land sold to him by the said Benjamin Davis, who died before any deed thereof was executed.

Resolved, for reasons set forth by the said petitioners, that the prayer of their petition be granted, and the said William Brewer and Isaac Davis be, and they are hereby authorized and empowered to make and execute a good and sufficient deed of the land sold by the said deceased to the said Artermas Stone, they first giving satisfactory bonds to the Judge of Probate, for the said County of Norfolk, conditioned that they will faithfully account under oath at the Probate Office for the monies received by them for the sale of said land.

CXXXIII.

Resolve on the petition of Mary O Neil, directing the Attorney General and Solicitor General to institute an inquest of Office.

March 2, 1808.

Whereas Mary O Neil has petitioned the General Court, and made it appear that James O Neil, her husband, being an alien came with her and three children into the county of York, in this State, and there purchased a tract of land for a farm, and mortgaged the same for a part of the purchase money, and after living many years on the same, erecting buildings thereon, and bringing it to a state of valuable improvement, died, still an alien unnaturalized, leaving the said Mary with a family increased by three other children born within this Commonwealth; the mortgagee has obtained possession of the whole for a small sum of money compared with its value, and refuses redemption by the said Mary and her Children.—*Resolved*, That the Attorney and Solicitor General, or either of them be, and hereby are directed if on enquiry they think proper to institute an inquest of office, or such other legal process as they shall see fit, for the recovery of said land to the intent, that after paying to the said mortgagee, what shall appear to be equitably his due, and after defraying charges out of the same, the Commonwealth may do with the residue for the said Mary O Neil, and her children, as equity and humanity require.

CXXXIV.

Resolve instructing the Senators and Representatives of this State in Congress to endeavour to procure an amendment to the Constitution of the United States. March 2, 1808.

Resolved, That the Senators and Representatives, of this Commonwealth, in the Congress of the United States be, and they

hereby are requested to use their best endeavours to procure such an amendment to the Constitution of the United States, as will empower the President of the United States to remove from office any of the Judges of the Courts of the United States, upon an address to him made for that purpose, by a majority of the House of Representatives, and two thirds of the Senate in Congress assembled.

Resolved, That the Governor be, and he hereby is requested to transmit the foregoing resolution to each of the Senators and Representatives from this Commonwealth in the Congress of the United States, also to the Governor of the State of Vermont to be laid before the General Assembly of that State.

CXXXV.

Resolve authorizing the Governor to draw warrants on the Treasurer in favour of the Superintendant of the State's Prison.

March 2d, 1808.

Resolved, That his Excellency the Governor, by and with the consent of the Council, be, and he is hereby authorized to draw warrants upon the Treasurer of this Commonwealth in favour of the Superintendant of the State's Prison, for such sums and at such periods as he may deem expedient, not exceeding ten thousand dollars, to enable said Superintendant to perform his contracts, and defray the expenses of said prison for the present year, he to be accountable for the same.

CXXXVI.

Resolve on the Petition of John Allen. March 2, 1808.

On the petition of John Allen, praying that a further time may be allowed him for the payment of a certain note due from him to this Commonwealth for a tract of Eastern lands.

Resolved, For reasons set forth in said petition, that a further time of payment of one year from the expiration of the time of payment, in said note expressed, be and hereby is allowed to said John Allen, and that the Treasurer of the Commonwealth be, and is hereby required to govern himself accordingly.

CXXXVII.

Resolve on the Petition of the Overseers of Bowdoin College.
March 3d, 1808.

On the petition of the Trustees and Overseers of Bowdoin College,

Resolved, That there be, and hereby is granted two townships of land, of the contents of six miles square each, to be laid out, and assigned from any of the unappropriated lands of this Commonwealth in the District of Maine, at the expense of the grantees, (except the ten townships on Penobscot river purchased of the Indians, and the township number four, in the second range of townships north of the Waldo patent) the same to be vested in the trustees of Bowdoin College and their successors forever, for the use, benefit, and purpose of supporting said College, said township to be laid out under the direction of the Commonwealth agents for the sale of Eastern lands, subject to the usual reservations and conditions of settlement.

CXXXVIII.

Resolve granting one hundred and forty dollars to Doctor John Thorn. March 5th, 1808.

On the petition of John Thorn,

Resolved, That forty dollars be granted and paid out of the public treasury to Doctor John Thorn, in full of his account of attendance and medicine in the cure of John Maxwell, who was wounded while doing military duty on the 5th day of May last.

CXXXIX.

Resolve on the Petition of Jonathan Young. March 5th, 1808.

On the petition of Jonathan Young, a pensioner, who lost an arm, while doing public military duty, and praying for further relief:

Resolved, That the said Jonathan Young shall be allowed fifty dollars annually from the first day of March, eighteen hundred and eight, in lieu of the pensions formerly granted to him; and the Governor, with advice of Council, is requested to draw his warrant from time to time on the treasury for the payment of the same accordingly.

CXL.

Resolve on the Petition of Hannah Chore. March 5th, 1808.

On the petition of Hannah Chore, one of the Natick Indians, and wife of John Chore, a Negro, praying that the guardian of said Indians may be empowered to sell land of said Hannah Chore.

Resolved, That the Honourable Jonathan Maynard, Esq. guardian of said Indians, be, and he hereby is authorized and empowered to sell at public vendue to the highest bidder, so much of said Hannah's real estate, and in such part as can be best spared, as will amount to sixty dollars, said guardian giving suitable notice of such sale, by publishing the same as is provided in the law for selling the estate of minors by guardians, and that the said guardian be empowered to make and execute a good and sufficient deed or deeds to the purchaser or purchasers, which shall be good and valid in law, said guardian to apply the money arising from such sale to discharging the debt expressed in said petition, and to be accountable as guardian of said Natick Indians.

CXLI.

Grant of five hundred dollars in full satisfaction of all demands of Robert Treat Paine, Esq. March 8th, 1808.

Resolved, That there be paid out of the public treasury of this Commonwealth to the Honourable Robert Treat Paine, Esq. the sum of five hundred dollars in full for his services in commencing and prosecuting the several libels for the forfeiture of absentees' estates, instituted by him, for all his services concerning said prosecutions, and for all other demands whatever, against the said Commonwealth.

CXLII.

Resolve granting Lemuel Parker a new trial. March 8, 1808.

On the petition of Lemuel Parker, praying for a new trial, in an action on which judgment was rendered by the Supreme Judicial Court in and for the county of Middlesex, at April term, in the year of our Lord eighteen hundred and three, in favour of Simon Gilson, of Pepperell, in said county of Middlesex, against him the said Lemuel Parker for the sum of two thousand five hundred and ten dollars and seventy five cents, damage and costs of suit.

Resolved, for the reasons set forth in said petition that the said Lemuel Parker be, and he hereby is authorized and empowered to sue out of the Clerk's Office of the Supreme Judicial Court for the said county of Middlesex a writ of review of the said action in common form, returnable at the next term of the said court, to be holden within and for said county of Middlesex, and to

prosecute the same writ in the same way and manner, to all intents and purposes, as if the same had been granted by the Justices of the said Court, on petition within three years after the rendition of the said judgment.

Provided however, That if the said Simon Gilson shall at the said next term, elect to have the said original action and all demands which existed between the parties on the thirteenth day of April in the year of our Lord eighteen hundred and two, referred to other referees in the same way and manner they were referred, by a certain rule of the said court made at the April term of said Court, within and for said county of Middlesex in the year last aforesaid, and the parties aforesaid cannot agree upon such referees, that then the court may, and shall have power to name three or five referees; and if the said Lemuel Parker, shall not consent to submit the said action and demand to such referees named by the court in manner and form aforesaid, then the said writ of review shall and may be discontinued by the court and the said Simon shall be entitled to recover his costs; but if the said Simon shall not consent to such reference, or the court shall decline to name referees as aforesaid, then the said writ of review shall proceed and trial be had thereon, in the same way and manner in all respects, as in cases of writs of review granted by the said court on petition.

CXLIII.

Resolve releasing Moses Herrick from a judgment of the Supreme Judicial Court. March 8, 1808.

On the petition of Jonathan Herrick, praying that Moses Herrick his surety may be released from the payment of a judgment of the Supreme Judicial Court, passed against him at the Supreme Judicial Court, at Northampton, at September term 1807, on the forfeiture of a recognizance, which was for the appearance of the said Jonathan, before the said court on the fourth Tuesday of April, 1807.

It appearing that the said Jonathan, as principal, has paid the full forfeiture of his recognizance, which was for the same appearance with costs, and costs on the prosecution of the said Moses, on his said recognizance.—*Therefore resolved,* That the said Moses, be, and he hereby is released from the said judgment, and that no execution issue therein.

CXLIV.

Resolve granting to the Boston Atheneum, Laws, Resolves and Maps. March 8, 1808.

Resolved, That there be, and there is hereby granted to the proprietors of the Boston Atheneum, one set of the public and private printed laws of this Commonwealth, together with the resolives, and Map of Massachusetts proper, and the District of Maine, and that the Secretary of this State be enjoined to deliver the same accordingly.

CXLV.

Resolve rendering valid the doings of Portland Light Infantry. March 9, 1808.

Whereas Martin Nichols, John W. Smith, and George Lovis, commissioned Officers of a Company of Light Infantry in the town of Portland have petitioned this court, that the doings of said company may be confirmed.

Therefore resolved, That the proceedings and doings of the said Light Infantry Company, raised in pursuance of a resolve of the General Court, which was approved by the Governor, on the twenty eighth day of January, in the year of our Lord eighteen hundred and seven, be and hereby are confirmed, and rendered valid in law, any irregularities in their doings, or in their enlisting roll, to the contrary notwithstanding.

CXLVI.

Resolve authorizing William Southgate to make a sufficient deed to Henry Morse. March 10, 1808.

On the petition of William Southgate, administrator on the estate of John Southgate deceased, praying to be empowered to make a good and sufficient deed to Henry Morse, conveying to him five acres of land in Spencer, in the county of Worcester, which the said Henry had bargained and paid for, to the said John in his life time, and received his receipt not under seal. It appearing that the facts stated in said petition are true, and also that all the heirs of age and guardians to the minor heirs of the said John Southgate are consenting. *Wherefore resolved,* that the said William Southgate be, and he is hereby authorized and empowered to make, and execute to the said Henry Morse his heirs and assigns, a good and sufficient deed of conveyance of the said five acres of land.

CXLVII.

Resolve requesting the Governor to order Brigade Majors to inspect town magazines, and make returns. March 10th, 1808.

Whereas from the returns in the Adjutant-General's Office, it appears that some Brigade Inspectors have neglected to perform a part of the duty enjoined on them by law, which is to inspect the several town magazines, within their respective Brigades, and present all deficient towns to the Grand Jury, in the same county, and have omitted to make returns thereof to the Adjutant-General's Office.

Therefore be it resolved, That his Excellency the Commander in Chief be, and he hereby is requested to take such measures as he may judge to be proper and necessary in the premises, and issue his orders requiring the several Brigade Majors forthwith to inspect the town magazines within their respective brigades, and make accurate returns thereof to the Adjutant-General's office without delay.

CXLVIII.

Resolve for paying certain persons for services rendered in the trial of Moses Copeland, March 10th, 1808.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the several persons who attended the Court of impeachment on the trial of Moses Copeland, Esq. as follows: To Joshua Head, Esq. for serving and returning the summons, the sum of fifteen dollars and seventy-five cents. To Jacob Kuhn, Crier of the Court, the sum of five dollars. To Jeremiah Allen, Esq. Sheriff of the county of Suffolk, for his attendance three days, the sum of twelve dollars. To John D. Dunbar, Clerk of said Court, including copying and recording, the sum of fifteen dollars. To George Willington, a witness on the part of government, one hundred and twenty-two dollars. To Benjamin Webb, a witness on the part of the said Copeland, two dollars.

And that his Excellency the Governor with the advice of Council is hereby requested to issue his warrant accordingly.

CXLIX.

Resolve directing the Attorney and Solicitor General to commence suits to obtain a legal decision on the validity of certain leases made by the Penobscot Indians. March 10th, 1808.

Resolved, That the Attorney General and Solicitor General be

and they are hereby authorized and directed, if they shall judge it expedient, to commence and prosecute one or more suits, for the purpose of obtaining a legal decision on the validity and effect of certain leases made or supposed to have been made by the Penobscot tribe of Indians to certain persons, of lands on Penobscot river claimed by said Indians, and also of the right assumed by said lessees, to cut masts, spars, and logs on said lands, and such suit or suits to prosecute to final judgment,

CL.

Resolve granting three hundred dollars to the Solicitor General in addition to his salary for one year. March 10th, 1808.

Resolved, That there be allowed and paid out of the public treasury to Daniel Davis, Esq. Solicitor General, three hundred dollars, in addition to his salary, from the first day of March, 1807, to the first day of March, 1808.

CLI.

Resolve granting extra pay to the Committee on Accounts. March 10th, 1808,

Resolved, That there be allowed and paid out of the public treasury, to the Committee appointed to examine and pass on accounts, presented against the Commonwealth, for their attendance on that service, during the present session, the sums annexed to their names respectively, in addition to their pay as members of the Legislature.

Hon. Thomas Hale, fifty-six days, fifty-six dollars.

Hon. David Perry, fifty-six days, fifty-six dollars.

Nathan Fishers, forty-nine days, forty-nine dollars.

Silas Holman, fifty-one days, fifty-one dollars.

William Young, thirty-six days, thirty-six dollars.

which sums shall be in full for their services aforesaid respectively.

CLII.

Resolve for removing the disqualification of Colonel Robert Gardner, and Majors Benjamin Harris and Amasa Stetson, to hold any military commission. March 10th, 1808.

Whereas, Robert Gardner, late Lieutenant-Colonel-Commandant of a regiment in the Legionary brigade, in the town of Boston, and Benjamin Harris and Amasa Stetson, Majors in said

brigade, have prayed for relief from a sentence of a Court Martial, which adjudged them to be removed from office, and disqualified the said Robert Gardner from holding any military commission under this Commonwealth during his life, and the said Benjamin Harris and Amasa Stetson, each for the term of ten years. And whereas it appears highly reasonable that the said sentence, so far as it respects disqualification, should be reversed:

Be it therefore resolved, That so much of the sentences of a Court Martial holden at Boston, on the 20th day of June, 1804. Whereof Major-General Ebenezer Mattoon was President, as it respects the disqualification of Robert Gardner, Benjamin Harris, and Amasa Stetson, from holding any military commission under this Commonwealth, either for life or for a term of years, be and the same is wholly reversed.

CLIII:

Resolve discharging Colonel Jeduthan Willington from sentence of a Court Martial. March 11, 1808.

Whereas it appears that Jeduthan Willington, late Lieutenant Colonel-Commandant of the first regiment in the first brigade and third division of the militia, has been tried by a Court Martial holden at Cambridge, on the 20th day of April, 1803, whereof Major-General John Cutler was President, and has been by the sentence of said Court Martial removed from his office, and adjudged to be incapable of holding any military commission under this Commonwealth for the term of ten years,, and whereas it appears that said Court Martial was not legally and regularly organized and that the proceedings thereof were erroneous.

Therefore resolved, That the proceedings of the Court Martial, holden at Cambridge on the 20th day of April, 1803, whereof Major-General John Cutler was President, for the trial of Jeduthan Willington, Lieutenant-Colonel-Commandant of the first regiment, first Brigade and third division of the militia of this Commonwealth, be, and the same is hereby wholly set aside.

CLIV.

Resolve granting four hundred dollars to Henry Johnson to relieve him under his suffering a wound, when on duty, as a Deputy Sheriff. March 11, 1808.

Whereas, Henry Johnson of Winslow, in the county of Kennebeck, and late one of the Deputy Sheriffs thereof, while in the ex-

ecution of the duties of his office, on the twenty-fourth of November last past, was wounded by sundry persons disguised as Indians, and the said Henry hath petitioned this Court to afford him some relief.

Therefore resolved, that there be allowed and paid out of the treasury of this Commonwealth to the said Henry Johnson the sum of four hundred dollars, and the Governor with the advice of Council, is hereby authorized and empowered to draw his warrant in favour of said Henry on the Treasurer for said sum.

CLV.

Resolve for mounting twelve, pieces of cannon on travelling carriages. March 12th, 1808.

Resolved, That his Excellency the Governor be and hereby is authorized to direct the Quarter-Master-General to procure to be mounted, not exceeding the number of twelve of the large cannon belonging to this Commonwealth, viz. four of twelve pounds, and four of eighteen pounds, and four of twenty-four pound caliber, on travelling carriages, to be the best calculated to change their positions in the most easy and expeditious manner by draught horses, and shall order them to be stationed at such places on the sea coast as his Excellency shall from time to time direct: *Provided however,* that if his Excellency shall judge that the safety of the Commonwealth shall not require the whole of the cannon aforesaid, to be mounted as above directed, then in such case his Excellency is hereby authorized to cause such of the said number of twelve only, to be mounted as he shall judge proper.

Be it further resolved, That the Resolve which passed the second of March instant, directing that all the cannon of twelve pound caliber and upwards, should be mounted on travelling carriages be and hereby is repealed.

CLVI.

Resolve granting Jacob Kuhn sixty dollars for superintending repairs in and about the State House. March, 12th, 1808.

Resolved, That there be paid out of the treasury of this Commonwealth the sum of sixty dollars to Jacob Kuhn, messenger of the General Court, in full for his services in superintending sundry repairs and improvements in and about the State House, agreeably to several orders and resolves of the Legislature since March 5th, 1806.

CLVII.

*Resolve granting William A. Gale forty-two dollars.
March 12th, 1808.*

Resolved, That there be paid out of the treasury of this Commonwealth forty-two dollars to William A. Gale, assistant to William Gale, messenger of the Governor and Council, being for twenty-one days' attendance, while the Messenger was sick.

CLVIII.

Resolve directing the Quarter-Master-General to purchase gunners, quadrants, and requesting the Governor to employ Charles Hammond as an instructor for their use. March 12th, 1808.

Resolved, That the Commander in Chief be, and he is hereby authorized and requested to direct the Quarter-Master-General to contract with Charles Hammond, of Bangor, in the county of Hancock, for twelve Gunner's Quadrants, which he has lately invented, and for which he has a patent from the President of the United States, of such size of parallels, as the Quarter-Master-General shall think proper. *Provided*, That said Quadrants be well and perfectly made and that no more than twenty dollars be allowed for each quadrant.

And be it further resolved, That his Excellency the Commander in chief be, and he is hereby authorized and empowered to employ the inventor of the said Quadrant, to instruct the several companies of Artillery in this Commonwealth, in the use of the said quadrant for one year, and that he be allowed and paid therefor by this Commonwealth, the same pay and emoluments as are allowed to a Major of Artillery in the military establishment of the United States.

CLIX.

Resolve appointing a Committee to locate the Middleborough and New Bedford Turnpike road. March 12th, 1808.

Resolved, That the Honourable Nathan Willis, Seth Spooner, and Isaac Lazell, Esquires, be and are hereby appointed a Committee to locate the Turnpike road, granted the present sitting of the General Court, by an act, entitled, "An Act to establish the Middleborough and New Bedford Turnpike Corporation," and it shall be the duty of said Committee to locate said road in the direction described in said act, and as soon as may be after the

completion of said location, as aforesaid, to make returns thereof, including the several courses, and the distance of each course, to the Courts of Sessions, to be holden in and for the counties of Plymouth and Bristol respectively.

Provided, That nothing contained in this resolve shall be construed to impair the power of the Court of Sessions in said counties, or either of them to appoint committees according to law, to appraise and assess such damages as may be sustained by any individuals over whose land the said road may pass, in all cases where said corporation and such individuals cannot by mutual agreement ascertain the damages thus arising.

CLX.

Resolve allowing a further time to explore and lay out a road from Augusta to Bangor.

Resolved, That the Committee appointed by a resolve of the General Court, passed June 19th, 1807, to examine the different ways from the Bridge in Augusta, on Kennebeck River, to the town of Bangor, on the Penobscot River, and to ascertain the best route for a road; be allowed a further time to examine, explore, and lay out said road, agreeably to said resolve of June 19th, 1807, and report the same to the next General Court, at their winter session.

CLXI.

Resolve exempting Superintendant, Keepers, and Watchmen of the State Prison, from military duty. March 12th, 1808.

Whereas it is reasonable that the Superintendant, Keepers, and Watchmen, employed in and about the State Prison, should be excused from doing Military, and certain other duties, excepting about said Prison, *Therefore resolved*, That the Superintendant, Keepers, and Watchmen, who are, or may hereafter be employed in and about the State Prison, shall hereafter be excused from doing military duty, or duty as watchmen, excepting such as they may be required by law to perform for the security of said prison; and also that they shall be exempted from serving in any office in the town and county in which said Prison is situated.

CLXII.

Resolve granting John Fillebrown four hundred and forty-two dollars, for transcribing Colony Laws. March 12th, 1808.

Resolved, That there be allowed and paid to John Fillebrown, jun. for his services as a Clerk to a Committee appointed by a resolve of the 19th of January, 1807, for printing certain Colony Laws, from the 24th of July last, to the 25th of February instant, four hundred and forty-two dollars, in full for his services to the said 25th February instant, and the Governor, with the advice of Council, is requested to draw his warrant on the Treasury of this Commonwealth accordingly. *And be it further resolved*, That there be no further proceedings had under said resolutions, until the further order of the General Court.

CLXIII.

Resolve for paying Chaplain and Clerks of both Houses. March 12, 1808.

Resolved, That there be granted and paid out of the public Treasury, one hundred dollars to the Rev. Thomas Baldwin, Chaplain to the Legislature; to John D. Durbar, Esq. Clerk of the Senate; and to Charles P. Sumner, Esq. Clerk of the House of Representatives, three hundred and fifty dollars each, in full for their services aforesaid the present session; and to George E. Vaughn, Esq. Assistant Clerk of the Senate, two hundred and eighty dollars, and Thomas Wallcut, Assistant Clerk of the House of Representatives, two hundred and eighty dollars, in full for their services aforesaid the present session, which, with the sums heretofore granted, shall be in full for their services as aforesaid respectively the present year.

CLXIV.

Resolve directing the Attorney General to commence and prosecute an action against the Pejepscot Proprietors. March 12, 1808.

Resolved, That the Attorney General be, and he hereby is directed to commence and prosecute to final judgment, an action against the proprietors of the Pejepscot claim, or against any person or persons who in his opinion are chargeable and liable for the same, for the sum which has been paid out of the Treasury of this Commonwealth, to Nathaniel Dummer, Icabod Goodwin and John Lord, Esq'rs. for their services and expenses as

Commissioners under the resolves of June 29th, 1798, and March the 5th. 1801, which sum the said proprietors ought to have paid to said Commissioners, for their proportion of the expenses, and compensation of said Commissioners.

And be it further resolved, That there be advanced and paid out of the Treasury of this Commonwealth the sum of five hundred dollars, to the said Attorney General, to defray the expense of an inquest of office, or such other suits, or process as may be commenced by the said Attorney General, by virtue of the resolve of the 24th of February, A. D. 1807, the said Attorney General to be accountable for the same; and his Excellency the Governor by and with the advice of the Council, is requested to draw his warrant upon the Treasurer for that sum accordingly. And whereas a suit or inquest of office by the Commonwealth, vs. Josiah Little, in virtue of a resolution of the General Court passed June 29th, A. D. 1798, was, at the Supreme Judicial Court began and holden at Augusta, on the third Tuesday next following the fourth Tuesday of June, A. D. 1799, submitted under a rule of the same court, to which rule the Pejepscot proprietors, so called, became parties, and in which there were certain express stipulations. And whereas among other things it was expressly provided in said rule, that if the proprietors should neglect or refuse to comply with and perform their stipulations contained in said rule, according to the true meaning and effect thereof, that then the said rule or any report that should be made pursuant thereto, or judgment rendered thereupon, should be absolutely void, and of no effect whatever, either in court or elsewhere, if the Commonwealth should at any time after such neglect or refusal, elect so to consider it, and that the nullity of the same might be given in evidence on any issue between the said Commonwealth, or any person claiming under the same; and the said Little, the said proprietors, or any person claiming under either of them. And whereas the referees under the same rule, did on the first day of February, A. D. 1800, duly make and return to the Supreme Judicial Court, an award or report by which were awarded to the same proprietors the tracts of land therein described, subject to the provisions and regulations stated in the said rule respecting settlers, which report at February term at Boston, A. D. 1800, was accepted by said court and judgment rendered accordingly, viz. as of July term, A. D. 1799, at Pownalborough in the county of Lincoln. *Therefore be it resolved,* That the Commonwealth hath, and hereby doth determine and elect to consider the said rule, report and judgment as

void, null and of no effect whatever, either in court or elsewhere. *And it is hereby further resolved,* That the defendant or defendants having neglected and refused to comply with, or perform their stipulations as aforesaid, that the said rule, report and judgment, rendered thereupon, is and shall be considered as null and void and of no effect whatever, either in Court or elsewhere, and that in any action, or process, which may be instituted against the said Little, or said proprietors, or any of them, the decision of which may depend on this, or any resolve, mentioned in the said rule, or passed touching the subject matter thereof, the same may be given in evidence, under the general issue, as also the said refusal, and non-performance of the said Little, or said proprietors.

And be it further resolved, That there be, and there hereby is granted a new trial of the said action or inquest against said Little, or the said Little and the said proprietors; and the said Supreme Judicial Court are hereby authorized to cause to be entered, and to sustain the same action, and to cause due notice thereof to be given to the adverse party, and to have, and cause such proceedings to be had thereon, as would have been regular, had said action been continued from term to term in said court, to the present time; and to do therein, what by law, and of right ought to be done, had no submission thereof been made, and the Attorney General is hereby directed to take all the proper and necessary measures for a new trial of the same action of process as aforesaid.

CLXV.

Resolve discharging Joseph Ruggles, Inspector of Beef and Pork from four hundred and thirty-eight dollars, and two cents upon his paying to John Vinal and others certain sums.

March 12, 1808.

Whereas it appears to this legislature that Joseph Ruggles, Esq. Inspector General of Beef and Pork, has received the sum of sixteen hundred ninety-eight dollars from forty Deputy Inspectors for fees which accrued in part during the life of Stephen Bruce, late Inspector General, and in part subsequent to his decease, and prior to the appointment of the said Ruggles to that office. And whereas the said Ruggles has discounted with certain of said Deputies the sum of four hundred thirty-eight dollars, two cents for fees due from the estate of said Bruce, for their services, and the sum of eighty-four dollars, nine cents, are due to Daniel Jackson, Esq. for brands which are now in use by

the Deputy Inspectors, and the sum of one hundred five dollars fifty cents, is also due to Elisha Doane for store rent; which became due before the appointment of said Ruggles. And whereas John Vinal, jun. during the interval between the death of the said Bruce and the appointment of his successor, did grant certificates of inspection, and discharge certain duties appertaining to the office of Inspector General. *Therefore resolved*, that the said Joseph Ruggles be, and hereby is discharged from any demand which the Commonwealth might have against him for the sum of four hundred thirty-eight dollars, two cents, paid by him as aforesaid to the said Deputy Inspectors, and that the said Ruggles upon the further payment of the sum of eighty-four dollars and nine cents, to the said Daniel Jackson, and of four hundred fifty dollars to the said John Vinal, jun, in full compensation of his services, and of one hundred five dollars, fifty cents to said Doane or his assigns for Store rent, and upon the payment of the balance of the said sum, received by him, viz. the sum of six hundred twenty dollars thirty-nine cents, to the children of said Stephen Bruce, or the legal guardians of such as may be minors for their use, the said Joseph Ruggles shall be discharged from all demand on behalf of said Commonwealth for the residue of the sum received by him as aforesaid.

CLXVI.

Resolve authorizing H. G. Balsh, to pay costs on prosecution of trespassers on lands of the Penobscot Indians.

March 12th, 1808.

Resolved, That Horatio G. Balsh, Agent and Superintendant of the Penobscot tribe of Indians, be, and he hereby is directed and empowered, to pay any costs that have, or hereafter may arise on the prosecution of any trespasser, or trespassers, out of the monies that may be received on the notes, now in his hands, or out of any monies that he may receive for the Commonwealth the present year, taking receipts for all monies he may pay out which shall be received and allowed, on his annual settlement with the Legislature.

CLXVII.

Resolve granting further time for settlers on Mount Desart to make payment. March 12th, 1808.

Whereas by a resolve of the General Court, of the 24th day of June, 1806, the agents for the sale of Eastern lands were di-

rected to settle with certain persons in possession of lands, on the Island of Mount Desart, prior to the year 1785, and twelve months from the date of the resolve, were allowed to the settlers to make payment for their lands, but the time allowed by a resolve passed the 24th February, 1807, not being sufficient to complete the business.

Therefore resolved, That a further time of twelve months from the twenty-fourth day of February, 1808, be allowed to the agents to settle the business, and for the settlers to make payment for their lands agreeably to said resolve of the 24th June, 1806.

CLXVIII.

Resolve appointing John Wells, Esq, one of a Committee to settle accounts of the Treasurer of this Commonwealth.

March 12th, 1808.

Resolved, That John Wells, Esq. of Boston, be, and hereby is appointed one of a Committee to settle the accounts of the Treasurer of this Commonwealth, agreeably to a resolve which was passed the eighteenth of January last, in the room of Mr. Heath, of Roxbury, who at his request, is hereby excused from serving as one of said Committee.

Roll No. 58. March 1808.

THE Committee on accounts, having examined the several accounts they now present,

REPORT, That there are due to the corporations and persons hereafter mentioned, the sums set to their names respectively, which, when allowed and paid, will be in full discharge of the said accounts to the several dates therein mentioned;

Which is respectively submitted,

THOMAS HALE, *per order.*

Pauper Accounts.

D. C.

Town of Alford, for supporting Polly Stoddard, and eight children to the time they were sent out of the Commonwealth including expenses of their removal,	20	22
Andover, for boarding, clothing, and doctoring, Thomas Walker, to 10th February, 1808, and Patrick Kallahan, to 1st February, 1808,	110	52
Adams, for boarding, clothing, nursing and doctoring, Freeman Blakely, Susanna Camp, and Joseph Fournaea, to 9th January, 1808,	138	86
Billerica, for boarding, clothing and doctoring William Love and his wife, and Michael Taylor, to 30th Jan. 1808,	165	64
Bellingham, for boarding, clothing and doctoring, John Lewis, including funeral charges,	30	
Brookline, for supporting Jacob Harvey to 14th Feb. 1808,	67	20
Becket, for boarding, nursing and doctoring, Prince Starkweather and family, to 1st January, 1808, including funeral charges,	34	05
Brookfield, for boarding and clothing, George Baston, to 1st January, 1808, and Luke Tinney, to the time of his death, including his nursing, doctoring and funeral expenses,	158	71
Brimfield, for boarding, clothing and doctoring, John Swaney, to 7th April, 1807, and John Wakely to 26th January, 1808,	186	
Bridgewater, for boarding and clothing William Blakeley and Frederick Binger, to 1st January, 1808,	83	56
Boxford, for boarding and clothing Mahitabel Hall, to 2d January, 1808,	65	

Barrett Joseph, for boarding and clothing convicts, lunatics and poor debtors, including funeral charges, to 24th February, 1808,	196 65
Boxborough, for boarding and clothing John M'Coy, to 15th February, 1808,	40 09
Bernardstown, for boarding and clothing Hugh Cassey and removing him out of the Commonwealth,	63 76
Belchertown, for boarding and clothing Amos Ames and wife, to January 18th, 1808,	89 61
Barre, for boarding and clothing John C. Dandorick, to 1st January, 1808, and Priscilla Humphreys, to the time of her death, including doctoring and funeral charges,	115 82
Boston, Board of Health, for boarding, nursing and doctoring sundry paupers on Rainsford's Island, including funeral charges, to 10th February; 1808,	595 12
Beverly, for boarding, clothing, nursing and doctoring sundry paupers, to 1st February, 1808, including funeral charges,	349 64
Bangor, for boarding, nursing and doctoring Robert Richards and Abraham Brewer, to the time of their going out of the Commonwealth,	87 50
Bath, for boarding, clothing and doctoring sundry paupers, and expense for removal, to 25th January, 1808,	241 39
Boston, for boarding and clothing sundry paupers, to 1st December, 1807,	4416 28
Cheshire, for boarding, nursing and doctoring John Thompson and wife, to the time of her death, and his going out of the Commonwealth,	22 04
Charlestown, for boarding, clothing and doctoring sundry paupers, including funeral charges, and Dr. Gamage's bill, to 21st January, 1808.	229 55
Cambridge, for boarding, clothing and doctoring James Sharland, William Crabtree, Stephen Ball, Robert Stimson, Luther Abbott, John B. Fullar, John Sal-lage and Joseph Torry, to 14th January, 1808,	251 96
Cape-Elizabeth, for boarding and clothing James Bumsbottom, James Jehays, and Abraham Birks, to 2d January, 1808,	162 50
Colerain, for boarding and clothing, Sally Leomineer, and two children of Polly Gardner, to 6th February, 1808, and doctoring Henry Rogers and family,	101 06
Chester, for boarding, clothing, nursing and doctoring, Daniel Smith, to 20th January, 1808,	101 42

	D. C.
Carlisle, for boarding and clothing Robert Barber, to 3d January, 1808.	45 20
Charlton; for boarding, clothing and doctoring Thomas Adams and Edward Madden, to 1st January, 1808;	124 14
Concord for boarding and clothing William Shaw to 8th January, 1808. And for Moses Barron and William Powers, omitted in the last roll,	87 24
Conway, for boarding, clothing and doctoring John Al- len to 22d. January, 1808,	119 92
Deblois George, keeper of the Alms house in Boston to 1st. December, 1807,	297 65
Danvers, for boarding, clothing, and doctoring, John J. Hires, Timothy Hogden, Jane Duckedy, Nancy Leonard, John Kirby, and Ruth Persons to 11th Jan- uary, 1808,	337 55
Dunstable, for boarding, clothing, and doctoring Mar- garet Lane, to 25th February, 1808.	51 71
Dracut; for boarding, clothing, and doctoring Lucy Jaquith, to 22d February, 1808, and supplies for Richard Baker 1st February, 1808,	89 22
Dover, for boarding, clothing, and nursing Patrick Cowin to 21st January, 1808,	64 80
Doggett Samuel, for boarding, and clothing James Hatchell and sundry poor debtors in Gaol; in Ded- ham, to 29th January, 1808,	153 53
Dedham for boarding, and clothing Eleanor Carrol to 1st January, 1808,	39
Dorchester, for boarding and clothing John Harrison to 7th February, 1808, and Patty Hearsey to 22d December, 1806, and Lydia Wyman to 21st Janu- ary, 1808, including doctor's bill for her and her child,	167
Deerfield, for boarding, clothing and doctoring Wil- liam Clarcek, to 7th February, 1808,	84 34
Egremont, for boarding and clothing the Widow Daly and three ideot children, and Betsy Randol to 7th January, 1808,	311
Easton, for boarding, nursing, and doctoring Antheny Morril, to 6th February, 1808,	82 57
East Hampton, for boarding, clothing, nursing, and doctoring John Hall to 19th January; 1808,	65 23
Edgartown, for boarding, nursing, and doctoring Thomas Furgiston, to the time he left the town,	93 92

Gorham, for boarding, nursing, and doctoring Job Grant, till the time of his removal out of the State, and Robert Gilfilling, to 24th January, 1808,	D. C. 176 25
Gloucester, for boarding, clothing, and doctoring sundry paupers, to 10th November, 1807,	1086 89
Granby, for boarding, clothing, and doctoring Ebenezer Dervin and John Murrey, to 8th February, 1808,	121 46
Greenwich, for boarding, and clothing Lot Lee to the time he left the Commonwealth,	26 45
Gill, for boarding and clothing, Sarah Hamlin ton to 25th January, 1808,	39 80
Greenfield, for boarding, clothing, and doctoring James Logan and Eunice Converse, to 22d January, 1808,	156 37
Groton, for boarding, clothing and doctoring John C. Wright and wife, Eunice Bent tract and William Lepier and wife to 10th January, 1808. And Edward M'Lane and John Ward, to the time of their death, including funeral charges,	412 73
Great Barrington, for boarding, clothing, and doctoring Isaac Catherine, Mary Hoose, and John Wittie to December 26th, 1807, and the expense of the removal of Achsah Wheeler out of the Commonwealth,	202 24
Hubbardston, for boarding, nursing, and doctoring Peter Barber to the time of his death, including funeral charges,	33 47
Hallowell, for boarding, clothing, nursing, and doctoring two children of Jonathan Powers, Rachel Cummings, James Carroll and wife to 1st January, 1808. And Jonathan Powers and wife to the time of their death, including funeral charges,	808 07
Hodgkins Joseph, keeper of the house of Correction in Ipswich, for boarding, and clothing sundry paupers to 18th January, 1808,	233 85
Hunt Joseph, for doctoring convicts, and poor debtors, confined in Concord Gaol, to 12th February, 1808,	7 75
Haverhill, for boarding and clothing Philip Slace and William Tapley, to 1st January, 1808, including doctor's bill,	162 70
Hinsdale, for boarding, clothing, nursing, and doctoring William Barker and wife to 19th February, 1808, including the expense of removing his wife out of the Commonwealth,	88 47

Hiram, for supporting Daniel Hickley to 1st November 1807,	D. C. 33
Hopkinton, for boarding and clothing Thomas Boyd to 4th February, 1808,	60
Hartshorn Oliver, for supporting seventy-two poor debtors since June last, to 3d February, 1808, confined in Boston Gaol,	729
Hadley, for boarding, clothing, nursing, and doctoring George Andries and wife, Friday and wife, and Edward Kneeland to 1st January, 1808,	270 72
Hutson John for boarding sundry poor debtors in Salem Goal, in full to 29th February, 1808,	897 55
Ipswich, for boarding, clothing, and doctoring, Betsey Smith, James Lao, and John Obrian to 2d February, 1808,	124 90
Lanesborough, for boarding, clothing, and doctoring Jerusha Welsh, to 1st January, 1808, and Joseph Smith to time of his death including funeral charges,	69 87
Lynn, for boarding, clothing, and doctoring sundry paupers to 8th February, 1808,	189 54
Lenox, for boarding, clothing and doctoring Abraham Palmer and child, to 15th January, 1808,	67 53
Lexington, for boarding, clothing and doctoring John D. Clifford, to 4th February, 1808,	155 64
Lincolnville, for boarding, clothing and doctoring Alexander White, to 18th January, 1808, and Isabel Woodbury, to the time of her death,	101 75
Lunenburgh, for boarding, clothing and nursing George W. Shute and Felix Stool, to 22d January, 1808, and John Kelley, to the time he left the town,	159 89
Lyden, for boarding and clothing Jedediah Fuller, his wife and one child, and Elizabeth Wagoner and daughter, to the 25th January, 1808,	117 74
Lincoln, for boarding and clothing Thomas Poçok, to 1st February, 1808,	88
Limington, for boarding John O. Ryan, to 1st January, 1808,	68 10.
Longmeadow, to sundry supplies for James Robbins and family, and for James M'Gee, till the time of their removal out of the town,	23 08.
Littleton, for boarding, clothing and doctoring Richard Crouch, to 11th February, 1808,	65

	D. C.
Milton, for boarding, clothing and doctoring Thomas Webster, John Murry, Rebecca Welsh and four children, to 24th February, 1808,	155 50
Methuen, for boarding, clothing and doctoring Thomas Pace, to 1st January, 1808,	65 03
Marblehead, for boarding, clothing and doctoring sundry paupers, to 6th February, 1808,	800 62
Medway, for boarding, nursing and doctoring Moses Bradley, with a broken leg, till the time he went out of the Commonwealth,	16
Marshfield for boarding and clothing Peggy and Phillips Mitchell, to 15th May, 1807,	93 92
Manchester, for boarding and clothing Thomas Douglas, to 2d February, 1808,	72 40
Mendon, for boarding, clothing and doctoring Robert Ellison, to 10th January, 1808,	80 72
Middleborough, for boarding and clothing Edward Brown, to 5th February, 1808,	48
Marlborough, for boarding, clothing and doctoring Joseph Waters, to 5th January, 1808,	69 41
Newburyport, for boarding, clothing and doctoring, sundry paupers, 1st January, 1808, including funeral charges,	1703 11
Newton, for boarding, clothing, nursing and doctoring William Buzzard, to the time of his death, including funeral charges,	71 55
North-Yarmouth, for boarding, clothing and nursing, William Elwell, to 1st January, 1808.	103 40
Needham, for boarding, clothing, nursing and doctoring John Rice to 19th February, 1808, and Anne Collison; to the time of her death, including funeral charges,	107 21
Nantucket, for supplies for James Plato, to 1st Jan. 1808, and Dukey, a black man, to the time of his death, including funeral charges, and John Smith a poor debtor confined in goal, until he was discharged,	57 33
Northfield, for boarding, clothing and doctoring, Neil M'Arther, to the time he left the town, and Richard Kingsbury, to 25th January, 1808,	98 86
Northampton, for boarding, clothing and doctoring, William Welsh and James Aldridge, to 1st Feb. 1808,	103 80
Norton, for boarding, clothing, nursing and doctoring, Joseph Pratt, to 1st February, 1808,	100 01

	D. C.
Newbury, for boarding, clothing, nursing and doctoring sundry paupers, including funeral charges, to 1st January, 1808,	889 77
Oxford, for boarding and clothing, Catharine Jourdon, to 1st January, 1808,	59 57
Overseers of Marshpee Indians, for boarding and clothing Elizabeth Isaacs, Quashaba, Bulhen, to 10th January, 1808, and Catharine Asher, to the time of her death, including funeral charges,	163 12
Pittsfield, for boarding, clothing and doctoring Peter Huran, to 8th January, 1808, and Hustan William's child till he went out of the Commonwealth.	113 56
Plymouth, for boarding, clothing and doctoring, William Burn, Polly Durant and Patrick Smith, till they went out of the town, and John Fitzgerald, to 10th January, 1808,	147 84
Palmer, for boarding and clothing William Mendon, to 5th February, 1808,	48 13
Portland, for boarding, clothing and doctoring, sundry paupers, including funeral charges to 1st Jan. 1808,	1319 94
Quincy, for boarding, clothing, nursing and doctoring, William Oliphant to 27th January, 1808, and Jonathan Miller to the time of his death, including funeral charges,	202
Roxbury, for boarding, clothing and doctoring sundry paupers, to 3d January, 1808,	368 98
Reading, for boarding, clothing and doctoring Samuel Bancraft, to 25th January. 1808.	98 80
Rutland, for boarding, clothing and doctoring William Henderson, to 30th December, 1807,	83 66
Rowley, for boarding, clothing, nursing and doctoring Elle Collings and Hannah Harris, to 1st Jan. 1808,	87 57
Springfield, for boarding and clothing John Padley, to 1st January, 1808, and John Cone to the time of his death, including funeral charges, and Polly Warraugh, Richard Doeghen and wife, to the time they went out of the Commonwealth, including doctor's bill,	
Southwick, for boarding, clothing and doctoring George Read, to 1st January, 1808,	132 40
Shirley, for boarding, clothing and doctoring Simon Cox, James Mills, Roderick M'Kenzie and wife, to 25th January, 1808, and John Kelley, to the time he left the town,	67 20
	130

	D. C.
Swanzey, to boarding and clothing Manual Durnips, to 6th December, 1807, and Sally Robbins' child and Thomas Connelly, to 8th January, 1808,	79 90
Sudbury, for boarding and clothing John Weighton, to 12th February, 1808,	43 40
South-Hadley, for boarding, clothing and doctoring Peter Pendergrass, to 7th January, 1808,	59 65
Sturbridge, for supplies to James Banton, to 5th January, 1808,	43 34
Sidney, for boarding, clothing and doctoring John Lyons, to 18th December, 1807, and Henry Lyons, to 1st January, 1808,	58 92
Sterling, for boarding, clothing and nursing Joseph Hyde, to 1st January, 1808,	61
Shrewsbury, for doctoring and supplies for Cezar West and his wife, negroes, to the time of their death, including funeral charges,	22 21
St. George, for boarding and clothing Robert Hows, to 1st January, 1808,	57 20
Salisbury, for boarding and doctoring Zachariah Rich- ardson, to 26th May, 1808, including funeral char- ges of Eli Field,	25 17
Salem, for boarding, clothing, nursing and doctoring sundry paupers, including funeral charges to 1st Jan- uary, 1808,	1140
Standish, for boarding and clothing Allice Noble, to 1st January, 1808,	52 80
Stockbridge, for boarding, clothing, and doctoring Jer- emiah Elkey, and Sarah Horsford to 8th December 1807,	81 48
Stoneham, for boarding John H. Clannod to 29th Jan- uary, 1808,	52
Sharon, for boarding, clothing, and nursing Stephen Flood, to 14th January, 1808,	56 60
Sandwich, for boarding, clothing, and doctoring Le- vinah Richardson, to 4th January 1808,	34 65
Taunton, for boarding, clothing, and doctoring Henry Ash, Edmund Shores, George Hazzard, Manuel Disniss and supplies for Robert Wilson, to 13th February, 1808,	229 56
Tyringham, for boarding and clothing Ralph Way, to 1st January, 1808 ,	58 09.
Troy for boarding and clothing Francis Brow, to 21st February, 1808,	98 50

Topsfield, for boarding, clothing and doctoring Thomas Camersford, to 18th February, 1808,	D. C.
	83 50
Tisbury, for boarding, clothing and doctoring John Cook, to the time he left the town,	119 25
Uxbridge, for boarding, clothing and doctoring Betty Trifle, David Mitchel and Patience Hazard, to 1st February, 1808,	131 25
Westford, for boarding and clothing Phillip Jackson and Fanny and Patty Gardner, to the 6th of January, 1808, and for supplies for Christopher Shepard to the same time,	
Warwick, for boarding, clothing and doctoring Samuel Griffith to 5th January, 1808,	123 28
Watertown, for boarding, clothing, nursing and doctoring Nathaniel Wagnee, to the time of his death, including funeral charges,	43 70
West-Stockbridge, for boarding, clothing, nursing and doctoring Lucy Lane, to 1st January, 1808. Boarding and doctoring Anna Tobias and Margaret Brown and her children to the time they were sent out of the Commonwealth, including the expense of their removal,	37 25
Walpole, for boarding and clothing Sally Davis and Robert Clew, to 1st January, 1808,	72 38
Windsor, for boarding, clothing and doctoring Henry Smith and wife to 6th January, 1808,	143 40
Warren, for boarding and clothing William Moorman to 4th January, 1808,	81 68
Western, for boarding and clothing Thomas Boyd, to 28th January, 1808,	52
Washington, for boarding and clothing Phebe Clark to 1st January, 1808,	11 70
Worcester, for boarding, clothing and doctoring Peter Willard, Jack Meloon, Henry Bradley, William Dutton, Augustus Binon, James Campbell and Sarah Cook, 1st January, 1808,	39 80
Wrentham, for boarding, clothing and doctoring Bristol Trask to the time he left the Commonwealth, and Richard Price to the time of his death including funeral charges,	289 57
Winthrop, for boarding and clothing William Gaskell, to 4th January, 1808,	31 15
Westfield, for boarding, clothing and doctoring William Davis to 1st January, 1808,	62
	68 27

West-Springfield, for boarding, clothing, nursing and doctoring William Bell and a child of Sarah Felps, to 2d January, 1808, and Godfrey Wagoner, to the time of his death, including funeral charges;	D. C.
	90 72
Williamstown, for boarding, clothing, nursing and doctoring Rachel Galusha; Morris Fowler, Stephen Blue, Robert Morrill and Charles M'Carty, to 9th January, 1808,	307 04
York, for boarding and clothing Edward Perkins and wife, Nicholas Turtle, Mary Crocker, Sarah Avery and Edward Voudy, to 8th February, 1808,	200 75
Total Pauper Accounts,	<hr/> 28,318 55

Military Accounts.

Courts Martial and Courts of Enquiry.

Brown C. Henry, for the expense of a Court Martial, held at Cheshire, on the 20th August, 1806, whereof Marshall Jones was President,	77 02
Howard Samuel, for the expense of a Court Martial, held in Hallowell, 22d December, 1807, whereof James Rogers was President,	47 20
Zenos Marshall, for the expenses of a Court of Enquiry, held in Weymouth, on the 17th September, 1807, whereof Benjamin Hayden was President,	23 96
Jaques Samuel, jun. the expenses of a Court of Enquiry, held in Charlestown, in September, 1806, whereof Abraham Butterfield was President,	33 02

Brigade Majors and Aid-de-Camps.

Bannister Liberty, aid, to 1st September, 1806,	13 17
Ensign Eli, aid, to 7th January, 1808,	31 50
Gannett Barzilai, aid, to 1st January, 1808,	57 73
Gamwell Samuel, aid, to 1st January, 1808,	18 95
Hayward Nathan, aid, to 1st January, 1808,	99 58
Hubbard Dudley, aid, to 13th January, 1808,	55 50
Ulmer Charles, aid, to 11th January, 1808,	31 25
Baker Abel, aid, to 11th January, 1808,	22
Ayers James, Brigade Major, to 26th January, 1808,	113 32
Bastow Sumner, to 1st January, 1808.	92 15
Blish Joseph, to 8th November, 1807,	30 43
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Goddard William, to 22d January, 1808;	168 84
Hight William; to 26th January, 1808,	91 48
Howard Samuel, to 1st January, 1808,	185 42
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Tinkham Seth; to 4th February, 1808,	86 23
Sever William, to 9th December, 1807,	78 53
Talbot Peter, to 1st January, 1808,	63 56
Whiting Timothy, to 18th February, 1808,	90 06

Adjutants.

Armsbee Abraham, to 1st January, 1808,	23 83
Arms Pliney, to 20th January, 1808,	49 38
Bass George, to 19th January, 1808,	202 59
Bucklen Joseph, to 1st January, 1808,	32 43
Backus Zenas, to 6th December, 1807,	37
Burrows Jonathan, to 16th December, 1807,	50 68
Burt Abner, to 1st January, 1808,	34 02
Benson John, to 16th January, 1808,	73 69
Baker Allen, to 1st January, 1808,	11 67
Bates C. Isaac, to 24th January, 1808,	32 93
Bullen Moses, to 19th February, 1808,	55 47
Bagley Abner, to 1st January, 1808,	23 05
Bishop Jacob, to 21st December, 1807,	51 28
Boyd Willard, to 25th January, 1808,	89 44
Beal Prince, to 1st January, 1808,	63 98
Bricket Moses, to 10th November, 1807,	18 50
Blossom Alden, to 1st January, 1808,	14 61
Brigham Elijah, Jun. to 1st January, 1808,	45 41
Callender Benjamin, to 1st January, 1808,	39 90
Cheever Nathaniel, to 15th February, 1808,	84 24
Crane Nathan, to 1st January, 1808,	67 10
Curtis B. David, to 2d October, 1807,	30 12
Curtis Joseph, to 1st January, 1808,	21 85
Coffin Nathaniel, to 22d December, 1807,	90 01
Donnison William, Adjutant-General, for his services during the year 1807, including Clerk hire, &c. also including \$ 222 for extra services caused by making detachments from the Militia.	1066
Dana Isaac, for his services to 1st January, 1808,	31 75

	D.	C.
Dodge David, to 12th January, 1808,	20	23
Elwell Robert, to 25th January, 1808,	66	11
Fletch Samuel, to 4th January, 1808,	9	60
Foot Elisha, to 4th September, 1807,	19	98
Farnham Otis, to 1st October, 1807,	36	66
Frost Timothy, to 30th November, 1807,	36	89
Gould William, to 10th May, 1807,	25	18
Gage Nathaniel, to 22d January, 1808,	15	67
Jaques Samuel, to 15th February, 1808;	107	61
Hayden Samuel, to 14th October, 1807,	49	53
Heald Jonas, to 1st January, 1808,	45	
Hayden Charles, to 1st January, 1808;	32	44
Hosmer Rufus, to 2d February, 1808,	39	83
Heath Ebenezer, to 10th February, 1808,	69	30
Hinman Ransom, to 17th December, 1807;	50	46
Holland Samuel, to 11th February, 1807,	60	13
Haskell Jacob, to 17th January, 1808,	48	70
Hight William, to 1st April, 1807,	3	50
Jones Amos, to 11th February, 1808,	111	2
Jewett Jesse, to 3d January, 1808,	69	27
Joy Moses, to 1st of January, 1808,	44	7
Kingman Simeon, to 1st January, 1808,	33	75
Kieth Cyrus, to 6th February, 1808,	53	27
Lisle M. Henry, to 21st January, 1808,	51	17
Lambert William, to 2d January, 1808,	30	15
Libbey Nathaniel, to 8th October, 1807,	40	22
Lewis Lyman, to 1st January, 1808,	53	83
Lambert John, to 28th January, 1808,	42	69
Lothrop Thomas, to 25th January, 1808,	50	62
Morgan Aaron, to 1st December; 1807,	54	98
Maxwell Sylvester, to 2d September, 1807;	60	88
Merrel Abel, to 7th December, 1807,	72	13
March Angier to 10th January, 1808,	13	40
Mattoon D. Noah, to 1st January, 1808,	45	78
Nye John, to 12th January, 1808,	27	
Noethan Eli, to 1st January, 1808;	48	
Nash Lanson, to 18th December, 1807,	31	41
Orr Hector, to 1st January, 1808,	48	65
O'Brien Jeremiah, to 1st December, 1807,	19	98
Page Jesse, to 1st January, 1808,	58	55
Parker Henry, to 1st January, 1808,	39	12
Parker Joseph, to 1st January, 1808,	16	27
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Pope Edward, to 1st January, 1808,	48 78
Phelps Abel, to 3d January, 1808,	25 15
Ripley W. James, to 1st January, 1808,	28 8
Rogers Benjamin, to 19th December, 1807,	15
Rider Josiah, to 1st January, 1808,	29 96
Stebbens Francis, to 4th January, 1808,	31 25
Spaulding Timothy, to 20th January, 1808,	86 70
Starr James, to 7th January, 1808,	17 92
Stebbins Quartus, to 7th October, 1807,	39 27
Stewart Jotham, to 1st January, 1808,	26 9
Strong B. Tho. to 20th January, 1808,	13 20
Sawyer William, to 1st January, 1808,	17 30
Stebbins Festus, to 27th October, 1807,	16 83
Swett Daniel, to 25th January, 1808,	30 38
Town Salem, jun'r, to 1st March, 1806,	12 36
Tucker Joseph, to 4th January, 1808,	36 35
Taft Hazeltine, to 16th February, 1808,	32 78
Tolman John, to 1st January, 1808,	45 95
Willington Charles, to 29th January, 1808,	66 90
Wade Samuel, to 15th February, 1808,	20 6
Wight James, to 7th February, 1808,	29 37
White Jonathan, to 28th December, 1807,	26 5
Winslow John, to 1st January, 1808,	47 93
Weston D. Jonathan, to 8th December, 1807,	20 11
Ward William, to 1st January, 1808,	36 13
Walker Benjamin, to 22d January, 1808,	35 95
Ware Jason, to 26th January, 1808,	37 13

Expense for Horses to haul Artillery.

Bicknell Humphrey, to 21st January, 1808,	20
Burt Moses, to 29th September, 1807,	5
Bond Daniel, to 1st October, 1807,	8 75
Binney John, to 1st January, 1808,	40
Barnes Aaron, to 12th January, 1808,	4 20
Brooks Asa, to 16th October, 1807,	6
Cobb David, to 1st January, 1808,	30
Dana Josiah, to 10th September, 1807,	5
Drew George, to 1st November, 1807,	5
Eaton Jonas, to 1st November, 1807,	5
Ford Noah, to 22d October, 1807,	7 50
Hills John, to 17th February, 1808,	5
Harrington Peter, to 30th September, 1807,	15
Hopkins D. J. to 15th October, 1807,	13 50

	D. C.
Heald Thomas, to 12th February, 1808,	20
Hartshorn Jesse, to 28th December, 1807,	5
Hartshorn David, to 28th December, 1807,	5
Hayes Daniel, to 1st January, 1808,	25 25
Jenkins Weston, to 23d December, 1807,	12 50
Judd Elnathan, to 10th December, 1807,	5
Lincoln Caleb, to 1st January, 1808,	5
Potter James, to 1st January, 1808,	6
Page H. William, to 23d February, 1808,	7 50
Robinson John, to 14th October, 1807,	6 25
Reed Joseph, to 1st January, 1808,	10
Smith S. George, to 1st September, 1807,	18 75
Safford Ebenezer, to 9th January, 1808,	6
Shaw Nathaniel, to 23d February, 1808,	6 25
Todder John, to 11th January, 1808,	14 50
Thayer W. Enoch, to 1st October, 1807,	7 50
Thayer Zeb. to 15th September, 1807,	6
Total of Military Accounts,	7520 71

Sheriffs and Coroners Accounts.

Mattoon Ebenezer, sheriff, for returning votes for Governor, Lieutenant Governor, &c. in 1807,	7 20
Cutler C. Benjamin, for returning votes for Governor, Lieut. Governor and Senators, in 1807,	88
Hosmer Joseph, for returning votes for Governor, Lieut. Governor, &c. and votes for Representatives to Congress, to February, 1808,	4 80
Horton Daniel, coroner, the expense of an inquisition on the body of John Huniman, and funeral expenses,	25 96
Kendall Ephraim, coroner, for the funeral expenses of Robert Tucker,	7
Loring Job, coroner, for the expense of an inquisition on the body of a man of colour, May, 1807,	20 45
Learned David, sheriff, for returning votes for Governor, Lieut. Governor, &c. for 1807,	15 20
Lawrence Jeremiah, for returning votes for Governor, Lieut. Governor, &c. for 1807,	10 80
Learned Simon, for returning votes for Representative to Congress, to January 25th, 1808,	33 12
Leonard Zethaniah, for returning votes for Representative to Congress, Governor, Lieut. Governor, &c. to January, 1808,	11 20

Patridge George, sheriff, for returning votes for Representative to Congress, also for Governor, Lieut. Governor, &c. to May, 1807,	D. C.
	14 40
Porter William, coroner, for the expense of an inquisition on the bodies of two foreigners, 25th February, 1808,	32 54
Taylor Walter, coroner, for the expense of an inquisition on the body of John Welsh; and funeral expenses,	21 52
Toby Heman, coroner, for the expense of an inquisition on the body of a stranger, taken 3d June, 1807,	21 10
Folsom W. John, coroner, for the expense of an inquisition on seven dead bodies, &c. to February, 1808,	125 02
Ward W. Thomas, for returning votes for Governor, Lieut. Governor, &c. for 1807,	3 20
Wait John, for returning votes for Representatives to Congress, in 1806, omitted in his acct. for that year,	21 66
Brown William, coroner, for the expense of an inquisition on the body of Robert M'Night,	27 38
Total of Sheriffs, &c. Accounts,	403 43

Printers Accounts.

Adams and Rhoades for paper, and printing for the General Court and the several offices of Government to March 5th, 1808,	1972 23
Allen Phineas for publishing Acts and Resolves to 13th January, 1808,	16 67
Allen E. W. for publishing Acts and Resolves to 2d August, 1807,	16 66
Butler William for publishing Acts and Resolves, to 23d January, 1808,	33 33
Dickman Thomas, for publishing Acts and Resolves, to 1st January, 1808,	16 67
Mann Herman, for publishing Acts and Resolves, to 1st March, 1808,	33 33
Pool Haven, for publishing Acts and Resolves, to 1st January, 1808,	16 66
Parks Benjamin, for printing for the General Court during the present session to 3d March, 1808,	594 50
Total of Printers Accounts,	\$ 2700 05

Miscellaneous Accounts.

Austin T. James, for drawing Leases for the Province House, January 21st, 1808,	D. C. 10
Boyle John, for stationary for the Adjutant General and Secretary's Offices to 6th January, 1808,	206 50
Bradlee S. and D. for sundry articles provided for the State House, to 18th February, 1808,	42 18
Blaney Henry for articles provided for, and work done on the State House, to 18th February, 1808,	127 89
Heirs of Loammi Baldwin, Esq. deceased, for his services and expenses on the survey, &c. for a water communication from Boston Harbour to Long Island sound,	194 67
Baldwin J. Benjamin, for his services and expences on the above business, surveying, planning, &c.	238 84
Baldwin Cyrus, for his services and expenses as an assistant in the above business,	43 88
Chase Warren for assisting the Messenger to the General Court fifty two days including the 10th March, 1808,	104
Durant William for repairs made on the State House to 1st January, 1808,	16 39
Goodwin Timothy, for sundry articles for the State House to 23d February, 1808,	3 74
Hastings Jonathan, for postage of letters, &c. for Governor, Secretary, Treasurer, and Adjutant General to 1st January, 1808,	245 27
Howe Joseph, for sundry articles provided for the State House to 18th February, 1808,	8 55
Homer William, for stone work done on the State House, and two moulded Chimney pieces for Senate Chamber, &c. 2d February, 1808,	470
Larkin Ebenezer, and J. for Stationary for the Treasurer's Office to 15th February, 1808,	63
Lincoln Amos, for work done in the State House, to 27th February, 1808,	53 71
Lapham Sylvanus, for assisting the Messenger of the General Court sixty days, including the 10th of March, 1808,	120
Loud Eliphalet, for his services and expenses on the survey, for a water communication from Boston Harbour to Long Island Sound,	322 21

Morton Perez, Aaron Hill, and Charles Turner, jun.	D. C.
for their services as a Committee in the Recess of the court,	30
Page Jesse, sheriff, for his services in the case of Moses Copeland, to February, 1808,	5 54
Pollock Allan, for a stove for the State House,	53
Perry John, for assisting the messenger of the General Court fifty-eight days including the 10th of March, 1808,	116
Paphins' Thomas, estate, for materials and labour done on the State House, to 18th February, 1808,	32 16
Spear Thomas, for his services in keeping the hospital on Rainsford Island to 14th February 1808,	44 44
Smith Jonathan, jun. for his travel and attendance as a Committee man in the recess of the court,	10
Spurr John, Nathaniel Goodwin, and Charles Turner, jun. for their travel and attendance revising the several militia laws in the recess,	54
Sedgwick Theodore, for his services in forming a bill for public high ways, &c. in the recess,	77
Taylor William, for his services and expenses on the survey, &c. for a water communication from Boston harbour to Long Island Sound,	268 04
Ulmer George for services in the case of Moses Copeland, to January 10th, 1808,	6
Wheeler Josiah, for work and materials for the State house to	209 26
White, Burditt, and Co. for stationary for Secretary's Office, and General Court to 22d February, 1808,	506 03
Total of Miscellaneous accounts,	\$ 3682 30

Aggregate Roll, No. 58, March, 1808.

Expense of State Paupers,	28,318 55
Do. of Militia,	7,520 71
Do. of Sheriffs, &c.	403 43
Do. of Printers,	2,700 5
Do. of Miscellaneous,	3,682 30
Total,	42,625 4

Resolved, That there be allowed and paid out of the public treasury, to the several corporations, and persons mentioned in this roll the sum set against such corporations and persons names respectively, amounting in the whole, to forty-two thousand six hundred twenty-five dollars and four cents ; the same being in full discharge of the accounts and demands to which they refer.

In Senate, March 10th, 1808. Read and accepted, sent down for concurrence. SAMUEL DANA, President.

In the House of Representatives, March 10, 1808. Read and concurred. PEREZ MORTON, Speaker.

March the 12th, 1808.

BY THE GOVERNOR.—APPROVED,
JAMES SULLIVAN:

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ERRATA.

The omission of a regular succession of numbers in the paging from 92 to 96 was not discovered in season to be corrected, but as the Index conforms to the present paging no inconvenience can arise.

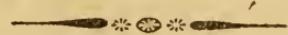
RESOLVES,

Of the General Court of Massachusetts,

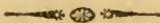
PASSED AT THE SESSION BEGAN AND HELD, AT BOSTON,

ON THE TWENTY-FIFTH DAY OF MAY,

*IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND EIGHT.*



GOVERNOUR'S SPEECH.



REPRESENTATIVES' CHAMBER, TUESDAY, JUNE 7.

At 10 o'clock, agreeably to notification, His Excellency the Governor, preceded by the Sheriff and accompanied by the Council, met the two branches, and delivered the following

SPEECH:

GENTLEMEN OF THE SENATE, AND

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

HAVING been informed by your joint Committee, that the two branches of the Legislature were ready to receive any communication from the Governour which he might have to make to them, I requested you to allow me the honour of meeting you at this time and place. This practice has been respected in the days of safety and prosperity, as well as in the periods when our country was involved in dangers and difficulties. It might be justified by common usage to submit to your consideration the particular business which I conceive to be necessary to your deliberations in the present session, and to call your attention to no other subject.

The method, which I am urged by the exigencies of the Country to pursue, does by no means exclude me from laying before you, by special messages, the particular concerns of the Commonwealth:—But in the present critical state of our na-

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tional affairs, the communication made with this formality, to the Senate and House of Representatives, by the Governour, is to be understood as a communication to their Constituents at large. Our fellow citizens stand anxiously waiting for that intelligence, which a Speech from the Chair, and the Replies from the two Houses, may give them, at this momentous crisis.

Holding in sacred respect, the morality and policy of the Declaration of Independence, (subscribed with unexampled fortitude, by the Members of our General Congress, on the 4th day of July, 1776) as the foundation of our National and State Constitutions of Government, I shall give you, in as few words as possible, my ideas of the importance of supporting our rank, in the full exercise of our sovereignty, as one of the nations of the world ; my apprehensions of the dangers by which our national character may be overthrown, and my sentiments of the measures necessary to its preservation.

Though all true Americans would deprecate the idea of becoming subjects of a foreign power, yet our situation, in regard to our foreign relations, is such, that the publick opinion, formed from the pressing feelings of a temporary necessity, or from a mistaken view of the advantages of foreign connexions, may betray us into errors, which may involve us and our posterity in disgrace and misery for many years to come.

When our highly respected leader, President WASHINGTON, retired from the laborious charge of publick duties, he did not lay aside his anxiety for his country, or cease to express his apprehensions of that danger which might result from her foreign connexions, as well as from her internal divisions. The address of that Patriot, on his retirement, ought to be studied by succeeding generations, and held in high respect as the perfect creed of American politicks.

Whatever may be the advantages of one nation over another, as to climate, numbers, wealth or force, yet, in point of National Rights, all must be on the same grade of perfect equality. To depart from this rule, in the most minute degree, would lay the nation departing from it prostrate at the foot of another.— Sovereignty is the vital principle of national existence ; and though in its exercise, over its own subjects, it may, for their convenience and safety, admit of modifications as to its coercive procedures, yet in regard to other nations, the principle must remain entire, exercised by its own will, controled by itself alone, or the nation loses its character and ceases to exist as a separate power.

From the erroneous impressions that may be made on the publick opinion, in the present eventful age of the world, arise apprehensions of the dangers we may be in from foreign relations.

Foreign relations originate, primarily, in the law of nature and nations—principles of this law establish the rights of separate powers.

But with the greatest part of the European nations, our relations, as a sovereign power, are enlarged or modified by treaties of amity and commerce :—Yet the existing embarrassments of our trade, result as well from unprecedented infringements of our claims, founded in the law of nations, as in the violation of those treaties, in which our government thought itself secure.

It would be tedious to detail, in this address, the Orders and Decrees of the two principal Belligerent Powers in Europe, up to this day, by which the rights of the United States, with those of other neutral nations, have been violated and trampled upon. Nor can it be material for us to examine which of those powers was original in the injury ; since the unjustifiable conduct of the first can afford no justification, as it regards us, for the other.—Much less is it our duty to inquire which of those powers is morally, or politically wrong in regard to the other ; because they are equally independent of us, and have not submitted their controversies to our mediation.

But still it becomes us to be acquainted with those measures in which we are now obliged to feel so deep an interest.

The method which has been adopted by France and England against neutral nations, to blockade by Orders and Decrees, they both acknowledge, by their reciprocal charges against each other, to have no foundation in the law of nations.

Those Orders and Decrees seem to have been first thought of in the year 1793 ; after which, and before the year 1806, a great number of cities, rivers and places, were declared, in that manner, to be in a state of actual blockade. The injuries now suffered by the United States, originated in and since that year.

On the 21st of November, 1806, the Emperour of France issued a Decree, in which he charges England with disregarding the law of nations, and the rights of neutrality ; “ and with “ declaring places in a state of blockade, before which she had “ not a ship. He declares all the British Isles to be in a state “ of blockade, and prohibits all trade and correspondence with “ them.” He provides, in the same Decree, for the capture

and condemnation, as prize, of English produce and manufactures, and denies to all neutral ships which are coming direct from England, or the English colonies, or which should have been there, an entrance to the ports of France.

The charges made against the English Government, were founded on an order of the King and Council of that nation, issued on the 16th of May, 1806 ; declaring that all the rivers and ports from the river Elbe, in Germany, to the port of Brest, in France, both inclusive, should be considered as blockaded. But " his Majesty was pleased to declare, that such blockade " shall not extend to prevent neutral ships and vessels, laden " with goods, not being the property of his Majesty's enemies, " and not being contraband of war, from approaching said " coasts, and entering into, and sailing from the said rivers " and ports, from Ostend to the river Seine, already in a state " of rigorous blockade ; provided such ships or vessels shall " not be destined to any port or place in possession of his Ma- " jesty's enemies."

Thus by this new system, England blockaded more than nine hundred miles of sea coast, and France blockaded all the coasts of England and Ireland, all the English West India islands, and the English provinces.

Whatever ostensible easements to neutrals were interwoven with those novel Orders and Decrees, yet the whole were done away in the succeeding year.

By another Order of the 7th of January, 1807, issued by the English King and Council, it is declared, "that no vessel shall " be permitted to trade from one port to another port, both " which ports shall belong to, or be in possession of France or " her allies, or shall be so far under their control, as that British " vessels may not freely trade therat."

On the 11th of November, 1807, the King and Council of Great Britain issued an Order, in the preamble of which heavy charges of a want of respect to the law of nations, and rights of neutrality, are made against France ; and it is therein declared, " that all the ports and places of France and her allies, or any " other country at war with his Majesty, and all other ports " and places in Europe from which, although not at war with " his Majesty, the British flag is excluded, and all ports and " places in the colonies belonging to his Majesty's enemies, " shall from henceforth be subject to the same restrictions, in " point of trade and navigation, with the exceptions hereinafter " mentioned, as if the same were actually blockaded by his

"Majesty's naval forces in the most strict and rigorous manner."

The exceptions mentioned in the Order, extend to allowing neutrals "to furnish themselves with colonial produce *for their own consumption, and supply.*" It also extends to "excusing from capture and condemnation, all vessels belonging to any country not at war with his Majesty, which shall have cleared out from any port or place in this Kingdom, or Gibralta, or Malta, under such regulations as his Majesty may think fit to prescribe; or from any port belonging to his Majesty's allies, and proceeding direct to the port specified in her clearance; and also vessels and cargoes coming direct from any port or place declared to be in a state of blockade and destined to some port in Europe belonging to his Majesty."

On the 26th of December, 1807, the Emperour of France issued a Decree, with a preamble, in which he charges Great Britain with disrespecting the rights of nations and the laws of neutrality, in the Order of the 11th of November; and declares in the Decree, that "every ship, to whatever nation it may belong, that shall have submitted to be searched by an English ship, or on a voyage to England; or that shall have paid any tax whatsoever to the English Government, is therefore (by that Decree) to be *denationalized*, to have forfeited the protection of its (King) government, and to have become British property."

By the same Decree, all the Islands of Great Britain are declared to be in a state of blockade; all vesels trading to them, or to or from the English colonies, belonging to any nation whatever, are declared to be lawful prize, in virtue of that decree, to the French captors. This decreté meets and encounters the English order in every point in regard to neutral commerce.

Thus by the English Orders, and the French Decrees, the commerce of the United States is overthrown, in all its principal objects; and Canton, in China, with an inconsiderable part of the shores of the Mediterranean, of Asia, and Africa, left to our mercantile speculations; and even this suffrage may be done away by captures, on pretext, by one nation, and confiscations by the other for submitting to searches which could not be resisted.

The Order of the 11th of November, issued by the English King, and Council, has been since supported in Parliament, by

a large majority in the House of Lords, and House of Commons.

Besides the Order of the 11th, another Order of the 25th of November, has been issued by the same authority, and has been supported by the English Parliament as fully as the other was, in laying on goods entered and landed by neutrals, in England, in compliance with the first Order, a duty, called a Warehouse duty, which, if I have calculated it accurately, will average more than thirt-two per cent, on the value of the goods.

The government of the United States having publick Ministers residing at the Courts of both these Belligerent Powers, has not failed to make every possible effort to convince them, as well of the injustice, as the impolicy of these violent measures.

But the act of the British Parliament, before mentioned, having the sanction of the House of Lords, as the British Cabinet wished, on the 27th of March, leaves no hopes of that nation's relaxing its measures at present.

The Emperour of France, on the 25th of January last, through a letter from one of his Secretaries, gave notice to the Ambassador of the United States, of the Emperour's intention to enforce his Decree of the 26th December; and undertakes to explain the aggressions our nation has suffered from that of Great Britain. He goes further, he declares, "That a war exists, in fact, between England and the United States; yet considering the United States as associated with the cause of all other powers who have to defend themselves against England, declares that, therefore, he has not taken any definitive measures against our vessels, which had, at that time, been captured by his cruizers, under the Decree of the 26th of December."

In a communication of this kind, it is impossible to be more particular, in stating our situation in regard to our foreign relations with those two powers. I have been faithful and have endeavoured to be correct.

In this intricate and perplexed situation, it may be apprehended, with great anxiety, that a false step, or an erroneous calculation, or a fallacious expectation of foreign aid, may involve us and our posterity, in irretrievable misery and disgrace.

It is natural here to recur to the danger of placing confidence in foreign alliances, for the support of our national independence.

When we turn our attention to antient and modern history, we are convinced that there never was a nation, which had

placed its hopes, as to maintaining its sovereignty and independence, on another power, but what has been reduced to conquest and misery. To this truth, solemn and interesting as it is, we have proof, from numerous instances, which have very recently taken place. The whole face of Europe has been changed within a few years ; some nations are erased from the list of monarchies and republicks ; and others, heretofore considered as respectable, and not a few of them as invincible, if they had depended on themselves, have now the mere shadows of sovereign power. My sentiments, of the means necessary to maintain our national character, may be communicated in a very few words.

A great politician (in Europe) lays it down as a maxim, that "there can be no concord or unity in a nation, but where there is only one supreme power." This valuable sentiment is expressed by President WASHINGTON, in more beautiful language, in his valedictory address to the United States :— "The unity of government, which constitutes you one people, is also dear to you ; it is justly so, for it is the main pillar in the edifice of your real independence—the support of your tranquillity at home, your peace abroad ; of your safety, of your prosperity ; of that very liberty which you so highly prize."

The benefits of this union, that great Soldier and Statesman had been a witness to. If in the revolutionary war, any one, even the smallest State in the Union, had withdrawn itself from the confederation, it would have deranged, nay probably defeated all our efforts.

The contest arising from an opposition of one or more of the States to the authority of the national government, I call *a national anarchy*. This is a more dangerous and distressing evil than the anarchy resulting, in common instances, from the commotion of subjects rising against civil government ; because the opposition in this case would, as each State has a separate form of government, be organized at the commencement of its insurrection, and the calamities would be increased in proportion as the States should become divided, as States, from the General Government.

The scenes of blood and carnage, in other nations, seriously admonish us of our dangers, and ought to convince us, that we can avoid them in no other way *but by the free exercise of the General Government*, in all concerns within its powers, as delegated by the people, and by restricting the State Governments

to those lines of power which were designated when the federal government was carved out of them.

If the constitutions of our National and State Governments are what they were intended to be, when established, they rest on the pillars of truth, and all deceptions, intrigue and misrepresentations are opposed to the nature of their existence.

Those nations which thus interrupt our commerce, do not act from enmity to ours, but from what they conceive to be necessary to their own interest and security; yet, as under the forms of orders and decrees, they have done it, they are thus far to be considered as common enemies, against whose aggressions our national rights are to be defended. We cannot resign our neutral flag and our commerce to the direction of any power. No price is too great to be paid for the maintenance of our Independence. No calamity can be so dreadful as subjection to a foreign power. The nations of Europe, though wasted by wars, are oppressed with an excess of population; their manufactoryes of those articles which they cannot afford to use at home, are their support, under an intolerable weight of taxes. The United States exhibit a pleasing contrast. Spreading themselves through every climate, including every soil, and possessing every advantage of navigation; delighting in that commerce which returns the gold and luxuries of every nation for their raw materials; the energy of their innate enterprize must still encrease. Europe will not be incautious enough to urge us to the habit of wearing the wool of our own flocks, instead of foreign cloths; spinning and weaving our own flax, for our own dress, weaving our own cotton, instead of sending it to be manufactured and dyed in Europe for us; opening the bosom of our own acres for ores and coal, instead of bringing wrought and cast iron from Europe; and feeding on the sugar of our own cane, and the milk of our own kine, instead of foreign luxuries.

Though we ardently wish for Peace, we ought to be prepared for war. Instead of calculating upon the fallacious aid of foreign alliance, our government is raising forces and expects to make six hundred thousand militia the source of our defence. These men, though not drilled in the ranks of battle, have been trained to subordination and habituated to the use of arms.—They represent, in the field, more than five millions of free citizens, who are the fee-simple proprietors of the soil they cultivate; preferring death to slavery. Great provision is made for arming our militia, and the fortifications of our principal seaports are in process.

The political speculators in France and England, calculate their success against us, without disguise, on our own factions and divisions.

It may be relied on, that neither the imprudent use, or abuse of the freedom of the press, can afford proof, by which a opposition so derogatory to our national character can be maintained; nor can the temporary arrangements of local or party divisions, or the opprobrious appellations, adopted from the warm breath of partizans, evince the existence of a powerful faction against their national freedom. Foreign influence, and the subtle address of ambitious men, may lead too many astray; but on the nearer approach of publick danger, the great body of the people will be again united.

We cannot forget, that while the United States were provinces and colonies, complaints in regard to violations of charter and stipulated right, had no intermission—or that our independence has rolled on the smiling anniversaries of more than thirty years, exhibiting greater quiet, less commotions, more security to life and property, and less oppression by taxes, than have been found in any other country.

These observations naturally lead us to a recollection of a measure of our General Government, to the expediency and propriety of which, not to its constitutionality, great objections have been made. The power of an Embargo was exercised under the administration of President WASHINGTON, without scruple; but for the necessity of its exercise now, I have no authority to decide.

As in my official capacity, I could have had no concern in the measure, I had no other knowledge in regard to it, than what I had by the same means, and in common with my fellow citizens. I view the arrest of our commerees as a great calamity; but from the confidence I place in the general government, I consider it as intended for an expedient to save our navigation from the unprovoked depredations of two mighty powers, and to preserve our nation, if possible, from the calamities of a foreign war. I feel it my duty, therefore, as a citizen of the General Government, to submit to it, until the national authority shall dispense with it, and to participate quietly in the evils resulting from it. There were, no doubt, divisions of opinion respecting the act, when it was passed; and oppositions were made, because the authenticated documents, orders and decrees, from whence the expediency of the measure was supposed to arise, were not before Congress; but the system pursued by

France and England, in their war against each other, and against neutrals was well understood. To allow our merchants to throw their immense number of vessels on the ocean, without preparation for defence, notice of their danger, or assurances of their protection, would have been unpardonable in the government. Those decrees and acts are now before us—I have referred to them in order to give my fellow citizens an opportunity to reflect on their own situation as *it now is*; and to decide, each one for himself, what his own conduct ought to be, in the present threatening aspect of publick affairs.

I rely upon it, that measures are taken which will soon give our government sufficient official information of the dispositions of those nations towards us. As to their decrees, all the commerce of the United States with all the world, excepting two or three places, is interdicted by one or the other of them. If they shall not relax in their measures towards us, our General Government will have the expediency of the continuance of the Embargo, for a longer time, properly before them. The idea of a perpetual Embargo is inadmissible—there can be no inducement to it—no individual can derive any permanent advantage from the measure; the rulers can have none: Whenever the difficulties from whence the necessity of the measure is supposed to arise, are removed, or the measure fails of producing the end proposed, the relinquishment of it is a thing of course.

Should the nations I have spoken of continue their aggressions, very serious questions must arise from our situation:—

Shall the vessels of our merchants traverse the ocean unprotected; or shall the flag of the United States have the protection of their artillery?

Shall unjustifiable depredations upon the property of our citizens, be borne with, or shall that property be defended by an open war, or by letters of marque and reprisal? Under what view, and against what nation or nations, shall the war be commenced?

These questions must rest with the national government—all attempts made by a single State to decide upon them, must tend to a national dissolution.

The Legislature of the United States is adjourned to next November; but before the adjournment, Congress passed an act for authorizing the President of the United States to suspend the act laying the Embargo. The act for authorizing the suspension declares, “That in the event of a peace, or suspension of hostilities, between the belligerent powers of Europe, or such

changes in their measures, affecting neutral commerce, as may render that of the United States sufficiently safe, in the judgment of the President of the United States, he is authorized, during the recess of Congress, to suspend the act in whole or in part, under such exceptions and restrictions, and on such security as circumstances may require." These are the words of the act ;—upon the constitutionality or utility of it, I give no opinion.

In a concern so highly interesting to this Commonwealth, as its commerce is, the entire arrest of its navigation, and the interruption of its trade, must produce great anxiety in all, and no doubt strong jealousies with some of the people. I therefore have considered it my duty to lay this simple statement, at this time, before my fellow citizens, without expressing any sentiment upon its consequences. This Commonwealth, with seven hundred miles of sea-coast, principally full of inhabitants, must be much affected by an Embargo : yet there has been, under its pressure, an exhibition of tranquillity and good order, that could flow from no other source, than that of an enlightened understanding, and a pure love of liberty, conducted by law and government.

Though the control of the act for laying an Embargo is with the General Government, yet it may be well to inquire, whether it is not within the power of the Legislature of this State to ameliorate the condition of the people, during its continuance. I understand that attention has been paid to this in some of the States, but I do not feel myself authorized to say any thing more, than that I shall rejoice to unite with you in any measure which your wisdom shall point to, for the support of our fellow citizens under the embarrassment of their commerce, either by an Embargo, or by the aggressions of foreign power.

The act, as has been observed, was intended as an expedient, as well to save our immense navigation from the destruction which was then in wait for it, as to induce the nations with whom we had been in commerce to leave our rights entire ; and not to involve our trade in the depredations of their wars. It is easy to conceive, that the appearance of divisions amongst ourselves, on the propriety of the measure, if realized in Europe, may prevent one of the valuable effects intended to be produced by it ; and I cannot therefore excuse myself from saying, that if the European governments shall rely on appearances of this nature, they must be disappointed ; that our nation will not yield its independence, or become tributary to any other power.

In this solemn appeal to heaven, we must rely, under God, for the support of our national honour, upon our own internal strength, and in our own unconquerable situation ; and defend ourselves with that energy, which our unanimity alone can produce.

JAMES SULLIVAN.

Council Chamber, June 7, 1808.

ANSWER
OF THE HOUSE OF REPRESENTATIVES.

JUNE 9th, 1803.

May it please your Excellency,

THE House of Representatives have considered, with respectful attention, your Excellency's Address to the Legislature. At the close of the Session, and without the aid of official documents, they find it difficult to accompany your Excellency through an extensive range of detail upon our national affairs. Nor can it be necessary, on this occasion, fully to consider the origin and operation of the several laws respecting the Embargo, as the Legislature has, at the present session, adopted certain Resolutions expressive of their opinion upon this interesting subject, more fully than could be done in the present Address.

The House of Representatives, although they might adduce the example of other States as precedents in animadverting on measures of the General Government, approach with caution subjects of national concern. A conviction that the Resolutions which were passed by the Legislature of the last year, might lead to a misconception of the feelings and interests of the people of this Commonwealth, was the most powerful inducement for the expression of the sense of this Legislature upon the subjects embraced in those Resolutions. We are happy that we now have your Excellency's example to sanction the propriety of making this interesting measure the subject of Legislative consideration.

The sentiments of warm attachment to the independence of our country, expressed by your Excellency, meet the cordial reciprocation of every member of this House; while every real American will acknowledge the weakness and danger of depending on any foreign power for protection. But at the same time it is to be remembered, that a wavering, partial, short sighted policy, the usual offspring of timidity in the management of publick affairs, may involve a nation in as great disgrace, and lead ultimately to the same fatal catastrophe.

We trust the time is fast approaching, when reliance will be placed, under Divine Providence, upon our own resources, upon our national energies, directed by wisdom and nerved by valour.

We are fully convinced that an administration, which pursuing an enlightened, liberal and impartial policy, shall disclose to the people its own views and their situation—that such an administration will gradually restore our former prosperity, will retrieve the character of the American people, and will receive the warm support of the citizens of Massachusetts.

Your Excellency has been pleased to call the attention of the Legislature to the benefits derived from our national union ; to describe the distressing evils which would result from “an opposition of one or more States to the authority of the National Government,” and to point out “the necessity of the free exercise of the General Government in all concerns within its powers as delegated by the people.” We assure your Excellency that upon these important points we know no difference of opinion. The opposition which met the establishment of our National Government, prior to the adoption of the Constitution, and which has occasionally discovered symptoms of disaffection since that time in different parts of the United States, appears to have yielded to an attachment to the Union, founded upon experience of its advantages, and guaranteed by the strong ties of common interest. It surely cannot, for a moment, be supposed, that those men who established the government, and who have for so long time been its support, can entertain a wish for its destruction. In all countries which have preserved even the shadow of freedom, an obvious distinction between the government and its administration has been recognized. In this country, liberty of speech, the freedom of the press, and of debate in our legislative assemblies, have been most expressly and particularly guaranteed by our Constitutions. Indeed the whole theory of our government is built upon the position that publick men and measures are the objects of free inquiry and discussion. The doctrine that the individual States should be jealous of the General Government, and that our great dangers arose from the probability of a consolidation of all the States under one government, have heretofore been considered by many as orthodox articles in the republican creed.

We conceive, therefore, may it please your Excellency, that if ever it shall be considered criminal to investigate the conduct of our rulers, or to express our opinions of the measures of

government with freedom; if ever the mandate of authority shall suppress inquiry, or stifle the voice of publick complaint, the Constitution becomes a dead letter, and the Liberties of the people but a name. And we also conceive, that in times of great and general suffering, it is much more safe and expedient that the legislative body should represent to the constituted authorities the real sentiments and feelings of the people, than to take the hazard that they may burst out in violent and perhaps uncontrollable expressions of distress.

The House of Representatives have learnt, with great pleasure, from your Excellency, "That our Government, instead of calculating upon the fallacious aid of foreign alliances, is raising forces, making provision for arming our militia, and that the fortifications of our principal seaports are in a state of progress." In a time of such extensive alarm and imminent danger, it gives great satisfaction to the Representatives of the People, to find that our General Government has commenced a system of measures so obviously of the first importance.

It would be tedious, as your Excellency remarks, to detail all the orders and decrees of the belligerent powers which infringe the rights of the United States. We will only remark, that the offensiveness of the decree of the Emperour of France, which is first in order of time and first noticed by your Excellency, is greatly aggravated by the consideration that it is in direct violation of our treaty made with that government in September, 1800; thus adding insult to injury, and sacrificing at once the good faith of contracts, and the established principles and usages of civilized nations. We perfectly concur with your Excellency in reprobating that most unfounded claim, by any belligerents, to blockade the ports of their enemies by orders and decrees only. It is one of the most incontrovertible maxims in the law of nations, that a blockade can never rightfully exist without an actual investment by a force competent to prevent or punish its infringement.

The United States have but lately assumed a rank among the nations of the world. In the year 1793, for the first time, they found themselves in the situation of an independent neutral State, amidst the conflict of the most powerful nations. The policy of the great WASHINGTON at that time was pacifick; the interests of the country have ever since dictated a similar policy.

Under these circumstances it was, perhaps, to be expected that we should estimate more highly the rights of neutrals, than

those of belligerents; that we should consider the former as better founded in reason and justice, and sometimes view with jealousy the just exercise of the rights of war. But while we would, at all times, resist with firmness every extension of these rights, we should not forget that we ourselves may become belligerents. We therefore owe it to our country, as well as to all other nations, not to attempt innovations in those rules of conduct which are equally obligatory on all, and which it may be indispensable for our safety at another time to enforce. We agree in opinion with your Excellency, that the people of the United States still "ardently wish for peace;" and we cannot but indulge a hope that the General Government will speedily adjust every subject of controversy with all nations who manifest a sincere disposition to respect our rights, and to make honourable reparation for the wrongs they may have done us; that all questions of an equivocal or doubtful nature may be amicably compromised, and our just rights be acknowledged and established. At the same time every consideration of honour and safety unites us in the opinion expressed by your Excellency, that we ought to be "prepared for war."

If peace cannot be secured without dishonour; if any nation, however formidable, should persist in a course of conduct hostile to our known rights, and injurious to our national honour, the people of Massachusetts will always be ready to join their fellow citizens throughout the United States in resisting such aggressions. They will cheerfully endure every privation, they will make every exertion and every sacrifice necessary to maintain that national character, which your Excellency so justly appreciates. So long as these sentiments pervade the United States, our National Government will not want the means of a vigorous and manly defence of our rights, and we trust they will never think it necessary to abandon the all-important interests of commerce as unworthy of protection, or incapable of defence.

Your Excellency has been pleased to notice, at considerable length, the Embargo imposed by the government in December last, and to remark that "the power of an Embargo was exercised under the administration of President WASHINGTON without scruple. The Embargo to which your Excellency alludes, was laid at a period when our commerce was suddenly invaded on the ocean, and for a short and limited time. As soon as the merchants were supposed to be properly apprized of the danger, and to have taken measures of precaution, the

Embargo was removed. But the present Embargo was imposed when Congress itself possessed no official evidence of new dangers. It has been continued nearly six months. It would exceed, may it please your Excellency, the limits which the House of Representatives have prescribed to themselves, to inquire whether a commercial treaty might not have been negotiated with the power most capable of injuring our commerce, or to consider what causes led to the perplexed state of things which induced the Government to resort to this distressing expedient; but the House of Representatives cannot do justice to the interests or to the feelings of their constituents without observing, that a long continued Embargo, imposed under the power to regulate commerce, and with a view of protecting our seamen and vessels, has nearly annihilated our foreign trade. It has restricted the people of the interior, and on the frontiers from pursuing their accustomed business with the neighbouring countries. It has imposed new, and we conceive unconstitutional restrictions upon the coasting trade. In fine, it has spread distress through all classes of society, and most deeply affects the interests of this great commercial State.—There has been, as your Excellency has observed, under the pressure of this publick calamity, “an exhibition of tranquility and good order, that could flow from no other source than that of an enlightened understanding, and a pure love of liberty, conducted by law and government.” We hope and trust that the people of this commonwealth will continue to exhibit a striking example of fortitude and obedience to the laws, so long as the Government shall continue these restrictions. We cannot, however, but hope that the policy of our Government will be such, as to suffer our merchants and mariners to pursue their accustomed business, leaving those most immediately interested to judge of the hazard.

In answer to your Excellency’s suggestion, that it may be well to inquire, whether it is not within the power of the Legislature of this State to ameliorate the condition of the people, during the continuance of the Embargo, we would reply, that placed in a situation so totally novel, and finding that the distress occasioned by this measure has extended itself to all parts of the Commonwealth, we are unable, at this time, to devise any safe expedient adequate to the object. But if, at any time hereafter, any such expedient can be devised by your Excellency, or either branch of the Legislature, it will afford peculiar satisfaction to the House of Representatives.

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May it please your Excellency,

The House of Representatives most unequivocally reiterate the opinions expressed by your Excellency, that if the European governments shall, in consequence of any difference of opinion which may exist among us, calculate upon making an impression or acquiring an interest unfavourable to our liberties, their hopes will most assuredly terminate in disappointment. "The American nation will not yield its independence or become tributary to any other power." Although they may differ in opinion upon important subjects, yet, upon the appearance of danger, they will instantly unite in defence of their government, their liberties and their country.

May it please your Excellency,

THE Senate received with the high degree of attention and respect, which is ever due to the Chief Magistrate of Massachusetts, the communication which your Excellency has been pleased to address to them, in common with the House of Representatives, and which, from the very critical and momentous situation of our publick affairs, is rendered peculiarly interesting at the present moment.

The Senate are happy to notice that the communication made to them, at this time, is to be considered as a communication made to their constituents at large. In governments in which all power emanates from the people, in which they have "an incontestable and unalienable right to reform, alter or totally change the form of government," and in which publick agents are at all times accountable to them, the People have a right to expect from their Rulers, frequent, fair and impartial statements of the situation of publick affairs, in order that they may be enabled, intelligently and suitably, to improve the important rights they have retained and secured to themselves by their constitution in the selection of their publick officers; and whenever such communication is unduly withheld, jealousies and suspicions are engendered, which, whether well or ill founded, unavoidably produce a disadvantageous effect on the publick tranquility.

In an enlightened government, where the citizens can have but one common interest, if the means of information are opened to them, they are capable of duly estimating, and are the best judges of their own peculiar interests; and although no government can be *effectively* administered without a certain degree of reliance being reposed in those to whom it has been confided; yet, while this position is admitted, in its limited extent, the people of this country will ever consider, that a blind confidence being given to or required by any set of Rulers, must be considered as more nearly resembling an attribute of despotism, than as the evidence of a free, pure and elective Republick.

The embarrassments in our foreign relations, the infringements of our rights, and the violation of our national dignity,

by other powers, and the restrictions on our commerce, are, all of them, subjects of the highest interest, and will receive that attention which their importance merits.

In the concerns of nations, as with those of individuals, equal and exact justice to all, a corresponding respect for ourselves, in requiring that from others which we are willing to accord to them, should be the rule of our conduct. In the present state of the world, it is however to be feared, that little is to be expected from appeals to reason, unless they are, in some degree, supported by an ability to enforce them.

The great powers of Europe, engaged in a sanguinary and revengeful war, seem to consider the interests of all other nations as totally merged, the moment they come into competition with their views or objects. Thus conducting, it is the duty of every nation having relations with them, to be prepared to rely on its resources for the support of its own rights ; and the Senate of Massachusetts will rejoice to see the Union placed in a state of defence, which, if occasion should unhappily require it, may enable the United States, promptly and effectually to maintain, with other nations, its equal rights ; and to defend that independence so gloriously won, and which cannot but be considered by every friend of his country, and of rational freedom, as the ark of our political salvation.

The inhabitants of this state, from its earliest establishment, accustomed to resort to the ocean, as a source of profit and employment, and delighting in that commerce, which returns the gold and luxuries of every nation for their raw materials, we cannot but consider an interdiction from it, by a permanent law of the United States, as a great and serious calamity.

At the call of their country, in its hour of danger, the citizens of Massachusetts have been and ever will be ready, cheerfully to offer up their lives and fortunes; but considering the principles of equality as the basis of the Union, they cannot view, but with serious apprehension, the interdiction for an unlimited time, of nearly the whole commerce of the country—nor view without regret, the novel, and as they believe, unconstitutional modes, in which a part of the coasting trade, still remaining, is alone permitted to be prosecuted.

Totally adverse as are all our habits and institutions, to the granting of special indulgencies in commerce, to individuals, the Senate cannot but observe with concern, the establishment of an inquisitorial tribunal in our country, to determine among our citizens who *are* and who *are not* entitled to confidence ; as

they believe the most rigid observance of the laws might have been enforced more effectually by measures infinitely less offensive to the feelings and repugnant to the rights of the People.

The frequent experience of older countries having demonstrated that a mantle of plausibility may easily be thrown over the most dangerous innovations in government, it especially behoves the citizens of the United States, and those to whom they have committed the guardianship of their rights, sedulously to watch that innovations, erroneous in principle, but in their early progress not immediately oppressive in practice, should not pass unnoticed, and be suffered by the accumulation of precedents, to attain the weight of prescription.

The Senate agree with your Excellency, in the extreme danger of political foreign alliances; that they should only be resorted to in cases of the most urgent necessity. A nation can alone be secure, when it can rely on the virtue, the patriotism and strength of its own citizens; and it is to be lamented that in the present state of the world, a nation appears to be respected only in the proportion in which it is powerful. The events of the recent and present periods fully verify this truth; it is therefore with great satisfaction the Senate learn, from the communication of your Excellency, that the government of the United States is raising forces for the protection of the Union. We are fully sensible that for our internal defence, we must rely, under the favour of Heaven, upon the militia of the country, and the Senate are happy to believe that the militia of Massachusetts is inferior to that of no other state in the union.— Too much attention cannot, however, be given to this important safeguard of our nation; it can alone be rendered sufficiently effective, by a high degree of discipline, and by engraving on the minds of the citizens, while on military duty, the habits and feelings of the soldier. These can result only from the establishment of a due degree of obedience and subordination to their superiors in office, and a conviction on the minds of the latter, that in the legal and faithful discharge of their duty, however unpleasant some parts of it may occasionally be to them, they will, without danger of becoming the victims of party or of prejudice, receive the steady support and approbation of their country. A Militia thus constituted, with a small but well appointed army, for the security of our frontiers, and an efficient naval force, for the protection of our commerce, would greatly add to the respect in which we are held by other nations, and might perhaps be the means of averting from us the calamities of war, with its destructive train of consequences.

Fully impressed with the inconveniences to which the citizens of this Commonwealth are subjected, and feeling a most ardent wish to alleviate the present situation of their constituents, the Senate attends with great interest to the suggestions made by your Excellency, relative to the propriety of inquiring whether it is not within the power of the Legislature of this State to ameliorate the condition of the People during the continuance of the Embargo.

The Senate will be happy to unite with your Excellency in every constitutional measure calculated to produce this desirable end; and as they understand measures of this kind have been adopted in other states, it would have been gratifying to them to have known their success.

In periods of general distress, the necessity of a rigid economy in the publick expenditures, and a restriction of the compensation of publick agents within those limits, which will command the ablest and most faithful services, is both obvious and indispensable. Should any further suggestions, on this subject, occur to your Excellency, the Senate will feel grateful for the communication of them, and they request you to be persuaded, that they will promptly and cordially unite with your Excellency, in this, as well as every other object, which may be calculated to alleviate the inconveniences, or promote the prosperity of their constituents, to support the State and General Government, in the due and equal exercise of their constitutional powers, and to defend, against every invader, the rights and independence of their country.

RESOLVES.

CLXIX.

Resolve for choosing additional Notaries Publick. June 2d, 1808.

Resolved, That there be added to the Notaries Publick, for the county of Essex, two—to reside in Newburyport. For the county of Cumberland, two—one to reside in Portland, one to reside in Harpswell. For the county of Lincoln, one—to reside in Wiscasset. For the county of Barnstable, two—one to reside in Sandwich, one to reside in Eastham. For the county of Kennebeck, one—to reside in Augusta.

CLXX.

Resolve for paying John Kneeland, Esq. ninety-six dollars, for his travel and attendance as Representative of Andover.

June 3d, 1808.

Resolved, That there be allowed and paid out of the publick Treasury, to John Kneeland, Esq. the sum of ninety dollars, for forty-five days attendance; and also the sum of six dollars for thirty miles travel, as a member of the House of Representatives at their last session; the same being omitted in making up the pay roll of the last session.

CLXXI.

Resolve granting James Pomroy a pension, and correcting a mistake in a former resolve. June 3d, 1808.

Whereas the General Court of the Commonwealth of Massachusetts, by their resolve passed 27th February, 1807, granted to Joseph Pomroy, Jun. the sum of two hundred and fifty dol-

lars, to enable him to pay the Doctors, Nurses, and other expenses arising in consequence of having lost his right arm by the explosion of a piece of artillery, at a general muster and review in the town of Hampden, and an annuity or pension of five dollars per month during his natural life; it now appears that in drawing the resolve, the name of Joseph Pomroy, Jun. was inserted instead of James Poinroy, in consequence of which the said James Pomroy has not been able to obtain the relief that was intended by said resolve:

Therefore be it resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the said James Pomroy (instead of Joseph Pomroy, Jun.) in consequence of having lost his right arm in manner as aforesaid, the sum of two hundred and fifty dollars, to enable him to pay the expenses aforesaid, and an annuity or pension of five dollars per month, from the 27th day of February, 1807, during his natural life.

CLXXII.

Resolve discharging Daniel Harrington from a recognizance.
June 3d, 1808.

On the petition of Daniel Harrington, of Adams, in the county of Berkshire, praying that he may be exonerated from a recognizance entered into by him on the seventeenth day of September last, for the appearance of one Joseph Brace, before the Supreme Judicial Court, then to be holden at Lenox, within and for said county of Berkshire, on the first Tuesday of May then next, and now past, the said Joseph Brace having been taken into the custody of the law, in the county of Hampshire, and from thence sent to the States' Prison, in Charlestown, in the county of Middlesex.

Resolved, For reasons set forth in said petition, that Daniel Harrington aforesaid, be released, exonerated and discharged from said recognizance, and that no further proceedings shall be had thereon.

CLXXIII.

Resolve on the Petition of Betty Ames, authorizing the Judge of Probate, of Plymouth county, to grant a letter of administration. June 3d, 1808.

On the petition of Betty Ames, praying that the hon. Joshua Thomas, Judge of Probate for the county of Plymouth, be au-

thorized to grant letters of administration on the estate of Elijah Ames, of London, Britain, in the commonwealth of Pennsylvania, deceased.

Resolved, That for reasons set forth in said petition, the said Joshua Thomas, Judge of Probate aforesaid, be and hereby is authorized and empowered to grant letters of administration on the estate of the said Elijah Ames, deceased, in the same manner as though the said Elijah Ames had been an inhabitant of the said county of Plymouth at the time of his decease.

CLXXIV.

Resolve on the petition of Harrison Blen, authorizing the administrator on the estate of Francis Blen, to execute a deed. June 4th 1808.

On the petition of Harrison Blen, of Dresden, in the county of Lincoln, shewing that on the fifth day of August, A. D. 1800, he agreed with his brother, Francis Blen, late of the same Dresden, yeoman, deceased, but then in full life, to purchase of him a certain tract of land, lying in said Dresden, bounded thus, viz. beginning at the south-west corner of Oliver Barrett's land, thence to run east-south-east one mile and forty-eight rods; thence north, thirty-two degrees east, fifty rods, to Convers Lilly's land; thence east south east fifty-six rods; thence south thirty-two degrees west, one hundred rods; thence west-north-west to Eastern river; thence up said river to the bounds first mentioned; and shewing further that he agreed to pay his said brother therefor the sum of one thousand dollars, and immediately took possession of said land; and afterwards, viz. on the sixth day of January, A. D. 1807, he paid the said sum, and his said brother agreed to make and execute to him a good and sufficient deed of the same, and a deed pursuant to the agreement was written, but the said Francis died suddenly and never executed the same; that he has been ever since the said fifth day of August, and still is in possession thereof, and has made large improvements thereon, and that the said administrator on said Francis Blen's estate, and the guardian of the children and widow of the deceased, are of opinion that it would be for the interest of all concerned that the said agreement be completed, and a deed executed pursuant thereto, and praying this Court that the said administrator may be authorized to make and execute a deed accordingly.

Therefore resolved, That John M. Bayley, of Woolwich, in said county, administrator on the estate of said Francis Blen, be, and he hereby is authorized and empowered to make and execute, in due form of law, a good and sufficient deed to the said Harrison Blen, and his heirs, of the aforescribed premises, conveying the same in fee simple, pursuant to the agreement aforesaid, which deed shall be as valid and effectual to all intents and purposes whatever, as if the same had been made and executed by the said Francis Blen in his life time.

CLXXV.

Resolve authorizing Esther Parsons to convey certain premises to Joel Burt. June 4th. 1808.

On the petition of Esther Parsons shewing that her husband, Justin Parsons, late of Westhampton, in the county of Hampshire and Commonwealth aforesaid, deceased, did by agreement, bargain and sell to Joel Burt, of said Westhampton, a certain piece of land in said Westhampton, lying on Cub Hill, so called, and containing about twenty-five acres, for a valuable consideration, and that the said Joel entered into possession of said premises in the life time of said Justin, but he the said Justin died before he executed a deed thereof; and praying that the said Esther Parsons, widow of said Justin, and administratrix on his estate, may be authorized to convey the premises to him the said Joel.

Resolved, For reasons set forth in said petition, that said Esther Parsons be, and she is hereby authorized to convey the premises to said Joel Burt, by a good and sufficient deed, to have and to hold the same, with the appurtenances, to him the said Joel, his heirs and assigns, in as full and ample a manner as the said Justin could have done in his life time.

CLXXVI.

Resolve on the petition of Stephen Fish, authorizing Sarah Boltwood to give a deed. June 4th, 1808.

On the petition of Stephen Fish, shewing that Solomon Boltwood, late of Amherst, in the county of Hampshire, and Commonwealth aforesaid, gentleman, deceased, did, by agreement, bargain and sell to him the said Stephen, a certain tract of land in Amherst aforesaid, bounded east on land of Timothy Smith,

south on land of John Lee; west on the county road, and north on a town way, being the same farm whereon the said Stephen now dwells, and received therefor a full and valuable consideration, but died before he executed a deed thereof, and praying that Sarah Boltwood, widow of said Solomon, and administratrix on his estate, may be authorized to convey the premises to him the said Stephen.

Resolved, For reasons set forth in said petition, that said Sarah Boltwood be, and she hereby is authorized to convey the premises to said Stephen Fish, by a good and sufficient deed, to have and to hold the same, with the appurtenances, to him the said Stephen, his heirs and assigns, in as full and ample a manner as the said Solomon could have done in his life time.

CLXXVII.

Resolve fixing the pay of the Council and General Court.
June 4th, 1808.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to each of the members of the Council, Senate and House of Representatives, two dollars per day for each day's attendance, the present session, and the like sum for every ten miles travel from their respective places of abode to the place of the sitting of the General Court. *And be it further resolved*, that there be paid to the President of the Senate, and Speaker of the House of Representatives, each two dollars per day for each and every day's attendance, over and above their pay as members.

CLXXVIII.

Resolve on the petition of Stephen Cogswell, discharging him from a recognizance. June 4th, 1808.

On the petition of Stephen Cogswell, of Rutland, in the county of Worcester, shewing that the said Stephen Cogswell, recognized for one Lucy Cogswell, a minor, as principal, in the sum of one hundred dollars, and also as surety in another sum of one hundred dollars, for the appearance of the said Lucy Cogswell, before the Justices of the Supreme Judicial Court, which was to be holden at Worcester, within and for the said county of Worcester, on the fourth Tuesday of September, Anno Domini, 1807, to answer to the said Commonwealth on a certain charge or complaint of adultery; but the said Lucy Cogs-

well did not appear at the Court aforesaid, holden as aforesaid, whereby the said recognizance was forfeited. Whereupon a writ of Scire Facias, issued on the seventh day of October, in the year of our Lord eighteen hundred and seven, against the said Stephen Cogswell, to recover the sum of one hundred dollars, the forfeiture of said recognizance, which said Scire Facias was there afterwards returned to the said Supreme Judicial Court, which was holden at Worcester, within and for said county of Worcester, on the third Tuesday of April, Anno Domini 1808, and continued from thence to the Supreme Judicial Court to be holden at Worcester, within and for said county of Worcester, on the fourth Tuesday of September, 1808.

Resolved, That for reasons stated in said petition, upon payment of the sum of twenty dollars, by the said Stephen Cogswell, to the Attorney General of this Commonwealth, or the Treasurer of said county of Worcester, by the fourth Tuesday of September next, the said Stephen Cogswell be, and he is hereby discharged from said recognizance and the process or Scire Facias issued thereon.

CLXXIX.

Resolve for an additional Notary Publick in Bristol.
June 4th, 1808.

Resolved, That an additional Notary Publick be appointed within the county of Bristol, to reside in the town of Somerset, in said county.

CLXXX.

Resolve reviving certain resolves, respecting gratuity to old Soldiers. June 4th, 1808.

Whereas the resolves passed on the fifth day of March, and nineteenth day of June, 1801, and on the ninth day of March, 1804, and also on the fifteenth day of March, 1805, concerning Soldier's land, or money in lieu thereof, have expired, and as it appears expedient that all the aforesaid resolves should be revived and continued for a further time. Therefore,

Resolved, That all the aforesaid resolves be, and the same are hereby revived, and shall continue in force until the first day of March, which will be in the year of our Lord one thousand eight hundred and ten; and all persons entitled to any benefit by virtue of said resolves, or either of them, shall and may re-

ceive the same, within the time hereby extended and limited, in as full and complete a manner as they might have done had the said resolves not expired.

CLXXXI.

Resolve confirming the records of the town of Parsonsfield.

June 7th, 1808.

On the petition of the inhabitants of the town of Parsonsfield, in the county of York, praying that the records and doings of the same town may be confirmed and established, notwithstanding any informalities therein.

Resolved, That the transactions of said town meetings be, and they hereby are confirmed and rendered valid, any informalities or irregularities in issuing, posting or returning warrants for said town meetings, or in the records thereof, notwithstanding. *Provided however,* That nothing herein contained, shall be construed to affect the title to any lands assessed or sold as the estate of any non resident proprietor, of lands lying within the same town.

CLXXXII.

Resolve on the petition of Ruth Mayhew, directing the relinquishment of the State's claim to a tract of land. June 7th, 1808.

On the petition of Ruth Mayhew, of Litchfield, in the county of Lincoln, widow, praying that the Legislature would grant, and relinquish to her the government's right to a certain tract of land that her brother-in-law, Peter Sanxter, the last husband of her sister Tabathy Rooks, late of Orrington, entered upon before the revolutionary war, and by the government was granted to said Peter, the said Peter having deceased without issue, and said Tabathy, his widow, having likewise died without issue.

Resolved therefore, That the Agents for the sale of Eastern lands be empowered, for reasons set forth in said petition, to relinquish to said Ruth Mayhew, her heirs and assigns, all the right, claim and demand the said Commonwealth now have to said tract of land, called lot No. 21, in Orrington, in the county of Hancock; together with the buildings thereon standing, containing one hundred acres of land; and that the said agents make and execute, in the name of the Commonwealth, a deed of release of said Commonwealth's right to the said

Ruth Mayhew : *Provided*, the said Ruth Mayhew shall comply with the conditions required of the settlers in the said town of Orrington, by any resolves of the General Court.

CLXXXIII.

Resolve excusing the Town Clerk of Buckland from paying a fine. June 9th, 1808.

Upon the petition of Samuel Taylor, Town Clerk of the town of Buckland, praying that said town may be exempted from a fine on account of his neglect to certify the return of the votes of said town for Governour, &c. in the year 1807, as it was merely an accidental and undesigned omission on his part.

Resolved, That for reasons set forth in said petition, the inhabitants of the town of Buckland be excused from the payment of any fine on account of any neglect of the clerk of said town to certify the return of the votes for Governour, &c. in the year 1807.

CLXXXIV.

Resolve on the petition of Stephen Codman, Esq. authorizing William Southgate to convey land, late the property of John Southgate, deceased, to the Union Bank. June 9th, 1808.

On the petition of Stephen Codman, of Boston, in the county of Suffolk, and Commonwealth aforesaid, Merchant, and one of the Directors of the Union Bank, praying that the administrator on the estate of John Southgate, late of Leicester, in the county of Worcester and Commonwealth aforesaid, Gentleman, deceased, might be empowered to convey to the President and Directors of the Union Bank, their successors and assigns forever, a lot of land lying in the county of Hancock, in the State's late purchase of the Penobscot Indians, and is part of the third quarter of Township No. 4, on the west side of Penobscot river, bounded northwardly by the quarter line, against the second quarter of said township number four ; eastwardly on the aforesaid river, and that part of it called Dead water way, and to extend so far southwardly on the river as to include one half of the breadth of said quarter number three ; thence by a line due west, so far as that a line due north shall include the quantity of five hundred acres, closing on the aforesaid line of the second quarter, or however otherwise bounded,

as by deed from the Hon. Salem Towne, Esq. to him the said John Southgate, may more fully appear, which lot of land the said John Southgate, in his life time, viz. on the fourth day of September, eighteen hundred and two, by bond of that date, and in a certain penalty, contracted to convey to one William Nasson, his heirs or assigns, on the payment of certain sums of money by installments, which bond the said Nasson afterwards, for a valuable consideration, assigned to Messrs. Enoch Ilsley, Stephen M'Lellan and William Brown, two of whom, viz. the said M'Lellan and Brown, paid the several installments within the respective times set in the said bond, and afterwards the said Ilsley, M'Lellan and Brown, for a valuable consideration, did by their deed assign the said bond, and all their right and estate in and to the premises therein described unto the President and Directors of the Union Bank, and therein also authorized the said Codman, for the benefit and use of said Bank, to prefer any petition to the General Court for the purpose of obtaining a licence to authorize the said administrator to make the conveyance aforesaid. Whereupon,

Resolved, That the prayer of the petition be granted, and that William Southgate, of Leicester aforesaid, yeoman, administrator on the estate of the said John Southgate, deceased, be, and he is hereby authorized and empowered to make and execute a good and sufficient deed or deeds, in due form of law, to convey unto the said President and Directors, their successors and assigns forever, all the right, title, interest, claim and estate whatsoever, which the said John Southgate, in his life time, had in and to the lot of land before described, and in and to all the privileges and appurtenances thereof.

CLXXXV.

Resolve requesting the members of this State, in the Congress of the United States, to endeavour to procure a compromise of the claim of Benjamin Hichborn and others, agreeable to the cession of Georgia to the said States. June 9th, 1808.

The committee to whom was committed the petition of Benjamin Hichborn and others, claimants of certain lands granted by the State of Georgia to certain citizens of that State, and by said grantees sold to the petitioners, and since ceded by the State of Georgia to the United States, and praying for the interposition of this Legislature to represent their rights, and to give aid to their petitions to that government to obtain an equit-

able compromise, or a trial at law, have attended that service, and ask leave to report.

That on examination of the pretensions of the petitioners, claimants as aforesaid, they find that the *facts* set forth in the said petition are substantially true, and have been proved to the satisfaction of your committee, principally by publick documents, that the petitioners have been at great and distressing expense in their endeavours to obtain justice from the Government of the United States during many years last past; that they have not yet been able to obtain it: your committee therefore think that the petitioners are entitled to the interference of this Legislature, in aid of their rights as citizens of this Commonwealth, to whom they owe their peculiar allegiance, and from whom they are entitled to receive all the protection in their power constitutionally to bestow, they therefore submit the following resolve for the consideration of the Legislature.

C. GORE, *per order.*

Resolved, That the Senators of this Commonwealth, in the Senate of the United States be instructed, and that the several members of the House of Representatives from the several Districts of this Commonwealth be requested to use their earnest and constant endeavours to procure, in behalf of the petitioners, an equitable compromise of their claims, in conformity with the articles of cession of the State of Georgia to the United States, or that the petitioners be indulged with a trial to determine their title to the lands they claim, according to known and established principles of justice.

CLXXXVI.

Resolve respecting Brigade Inspectors. June 9th, 1808.

Resolved, That the committee on accounts be, and they are hereby directed not to allow any account of a Brigade Inspector, for the inspection of the Magazine of any town, unless he produce a certificate of one or more of the Selectmen of such town, or of the person who hath the care of such Magazine, of his having actually performed that service.

And be it further resolved, That the Secretary cause newspaper publication to be given of the foregoing resolve through the Commonwealth.

CLXXXVII.

Resolve on the petition of John Tufts, for a company of Grenadiers, in Brookfield and Western. June 10th, 1808.

On the petition of John Tufts and others, praying for liberty to raise a Company of Grenadiers, in the towns of Brookfield and Western, in the third Regiment, first Brigade and seventh Division of the Militia of this Commonwealth.

Resolved, That his Excellency the Governour, with the advice and consent of Council be, and he hereby is authorized and empowered to raise, by voluntary enlistment, a Company of Grenadiers, in the towns of Brookfield and Western, within the limits of said third Regiment. *Provided* the standing companies in said towns are not reduced thereby below the number prescribed by law;—said Company, when raised, to be annexed to said third Regiment, and to be subject to such rules and regulations as are or may be provided by law for the government of the Militia of this Commonwealth.

CLXXXVIII.

Resolve on the petition of Alexander Field, authorizing him to sell the estate of his ward. June 10th, 1808.

On the petition of Alexander Field, of Long Meadow, in the county of Hampshire, guardian of Calvin Colton, minor, and son of Luther Colton, late of said Long Meadow, deceased, praying for liberty to sell the real estate of said minor, for the purpose of his education.

Resolved, For reasons set forth in said petition, that the said Alexander Field, guardian as aforesaid, be authorized and empowered to sell, at publick auction, to the highest bidder, the whole of the real estate of said minor, for the purposes aforesaid, and to give and execute a good and sufficient deed or deeds of conveyance of the same; the said Alexander Field first giving publick notice of the time and place of sale, in the *Hampshire Federalist*, printed at Springfield, at least thirty days before the time of sale; and also posting up notifications thereof in some publick place in said Long Meadow, for the same time, and giving bond, with good and sufficient surety, to the Judge of Probate for the county of Hampshire, faithfully and truly to apply the proceeds of such sale to the education of said minor, or otherwise equitably to account with said minor for the same, or with the said Judge, whenever thereto required.

CLXXXIX.

Resolve for distributing Laws of Congress. June 10th, 1808.

SECT. 1. *Resolved*, That the copies of the Laws of the United States, of the second session of the ninth Congress, be distributed by the Secretary in the same manner as the laws of the first session of the same Congress were directed to be distributed by a resolve passed the twenty-sixth day of January, one thousand eight hundred and eight.

SECT. 2. *Be it further resolved*, That upon the death, resignation or removal from office of either of the Clerks of Towns or Districts, or Law Courts, Judges of Probate, Sheriffs, Treasurers or Assessors of plantations, Attorney General, Solicitor General, Major Generals, Adjutant General and Quarter Master General; also either of the Registers of Deeds and County Attorneys, he or his executors or administrators respectively, shall be held and obliged to deliver over the said laws to his successor in office for the use of their several offices.

SECT. 3. *And be it further resolved*, That the laws of the United States, of any past or future sessions of Congress, which may hereafter be received, shall be distributed by the Secretary in the same manner as is directed in the aforesaid resolve of the twenty-sixth of January, one thousand eight hundred and eight, and to be subject to the restrictions mentioned in the second section of these resolves.

CXC.

Resolve allowing to John Coates, and others, six years from the 1st of March, 1807, to settle township No. 3. June 10th, 1808.

On the petition of John Coates, and others, proprietors of township number three, in the county of Washington, which was laid out in conformity to a grant made to the proprietors of Townshend.

Resolved, For reasons set forth in said petition, that a further time of six years, from the 1st day of March, 1807, be allowed to said proprietors, their heirs and assigns, to settle twenty families upon township No. 3, in the county of Washington; and that if said proprietors, their heirs or assigns, shall, within said time, settle the said number of families, including what may be already there on said township, that then the estate, right and title of said proprietors, their heirs or assigns, shall

be as valid, full and effectual, to all intents and purposes, as if the conditions of settlement, expressed in the original grant of said township, had been fully and seasonably complied with.

Provided nevertheless, That the said John Coates, and other proprietors of said township No. 3, in the county of Washington, shall, on or before the first day of December next, give bonds to this Commonwealth, in the sum of twelve hundred dollars, with sufficient surety or surties, to the satisfaction of the agents for the sale of Eastern lands, conditioned that the said number of twenty families shall, within the said term of six years, be settled on said township, or for the payment of thirty dollars for each family which shall then be deficient.

CXCI.

Resolve granting pay of the Lieutenant Governour, Secretary and Treasurer. June 10th, 1808.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth to his honour the Lieutenant Governour thereof, the sum of five hundred thirty-three dollars thirty-three cents, for his salary one year from the thirty-first of May last.

Also to William Tudor, Esq. Secretary to the Commonwealth, the sum of fifteen hundred dollars for his salary for one year, from the third of June current, he to be accountable at the end of the year for all the fees of office he shall have received: and to the Treasurer and Receiver General of this Commonwealth the sum of two thousand dollars, for his salary for one year, from the third of June current: and that all the aforesaid salaries be paid in quarterly payments as they shall become due.

CXCII.

Resolve on the petition of Asa Rand and others. June 10th, 1808.

On the petition of Asa Rand and Nathaniel Rand, both of Westminster, in the county of Worcester, stating that on the fourth day of November last, Zachariah Rand, father of said petitioners, was arrested and carried before a justice of the peace, on the charge of forgery, in altering a list of taxes, committed to him, as a Collector, to collect, and was ordered by said justice to recognize for his appearance at the last Supreme Judicial Court, in said county of Worcester, in the sum of four hun-

dred dollars, with sureties ; that the said Zachariah did accordingly so recognize, and said petitioners recognized with him as his sureties : that before the sitting of said Court, the said Zachariah absconded, whereby said recognizance became forfeited, and said petitioners exposed to pay said sum, and praying that the whole or a part of said sum be remitted to them.

Resolved, That upon the said Asa Rand and Nathaniel Rand's paying to the Attorney General of said Commonwealth, or to the Treasurer for said county of Worcester, four hundred dollars, and also paying all cost which has arisen or may hereafter arise, by reason of said arrest and recognizance, on or before the sitting of the Supreme Judicial Court, next to be holden at Worcester, within and for said county of Worcester, they the said Zachariah, Asa and Nathaniel shall be discharged from all claim in favour of said Commonwealth against them by reason of their aforesaid recognizance.

CXCIII.

Resolve on the petition of David Lawrence, Executor of the will of Joseph Adams, late of Lincoln. June 10th, 1808.

On the petition of David Lawrence, Executor of the last will and testament of Joseph Adams, late of Lincoln, in the county of Middlesex, Esq. deceased, shewing that he was directed, by the Judge of Probate, for said county of Middlesex, to give notice of his appointment of Executor as aforesaid, by posting up notifications thereof in some publick place in said Lincoln, and by publishing the same three weeks successively in the *Columbian Centinel*, printed by Benjamin Russell, within three months from the time of his said appointment ; that he did post up notifications in said Lincoln, agreeably to said order, but that from some mistake notice was not given in said *Columbian Centinel*, conformably to the said direction of the said Judge of Probate.

Resolved, For the reasons set forth in said petition, that the notice given as aforesaid, by the said Lawrence, of his said appointment of Executor, shall be deemed and taken to be legal and sufficient notice in the same manner as though the same had been published in said *Columbian Centinel*, conformably to the said direction of the said Judge of Probate : *Provided* the said Lawrence cause notice of his said appointment to be published in said *Columbian Centinel* three weeks successively, within sixty days from the date hereof.

CXCIV.

Resolve directing the Attorney General respecting a deed given by the Penobscot Indians to the Commonwealth, which is missing. June 10th, 1808.

Whereas his Excellency the Governour has, by message of the 9th inst. informed the Legislature that a certain deed, made by the Penobscot tribe of Indians, in the year seventeen hundred and ninety-six, is missing, and that it is of consequence to the Government that steps be taken to obtain a proved copy or some other evidence to supply the loss of the original.—Therefore,

Resolved, That the Attorney General be, and he hereby is authorized and required to examine the subject contained in said message, and to apply to the hon. Salem Towne to ascertain whether he has in his possession a copy of the deed referred to in said message; and if so to procure his deposition, to be taken in perpetual remembrance of the thing, with the said copy annexed thereto, if he shall think it adviseable, and to obtain all such other evidence, respecting the existence and loss of the original deed aforesaid, and other facts, as the nature of the case may require, and to cause any deposition taken in pursuance of this resolve, to be preserved and recorded according to law, and the account of the expense hereby incurred, he is to exhibit to the committee on accounts for allowance.

CXCV.

Resolve granting Sylvanus Lapham one dollar per day above his ordinary pay as assistant Messenger. June 10th, 1808.

Resolved, That there be allowed and paid out of the publick Treasury of this Commonwealth, to Sylvanus Lapham, assistant to the Messenger of the General Court, one dollar for each and every day's service during the present session over and above his common and ordinary allowance.

CXCVI.

*Resolve allowing pay to the Clerks of the General Court.
June 10th, 1808.*

Resolved, That there be allowed and paid out of the publick Treasury to Nathaniel Coffin, Esq. Clerk of the Senate, and to

Nicholas Tillinghast, Esq. Clerk of the House of Representatives, one hundred and fifty dollars each, in full, for their services aforesaid, the present session; and to Samuel F. M' Cleary, assistant Clerk of the Senate, and to Thomas Wallcut, one hundred dollars each, in full for their respective services the present session of the General Court.

CXCVII.

Resolve allowing pay to the Committee on Accounts.
June 10th, 1808.

Resolved, That there be allowed and paid out of the publick Treasury, to the Committee appointed to examine and pass on accounts presented against the Commonwealth, for their attendance on that service during the present session, the sums annexed to their names respectively, in addition to their pay as members of the Legislature.

Hon. Thomas Hale, thirteen days, thirteen dollars.

Hon. David Perry, thirteen days, thirteen dollars.

Joseph Titcomb, thirteen days, thirteen dollars.

Silas Holman, twelve days, twelve dollars.

Nathan Fisher, six days, six dollars.

Which sums shall be in full for their services aforesaid respectively.

CXCVIII.

Resolve permitting Perkins Nichols to sell Lottery Tickets.
June 10th, 1808.

On the petition of Perkins Nichols, shewing that the General Assembly of the State of Rhode Island and Providence Plantations, have granted to him a Lottery, called the Rhode Island Coal Lottery, to raise the sum of ten thousand dollars for the purpose of exploring and working any beds of coal which might be found within said State, and that he has discovered in Newport, in said State, a very valuable Coal Mine, which will be of great advantage to the citizens of this Commonwealth, if he can be enabled to explore the same, and praying that he may be permitted to sell Tickets in the said Lottery, and to draw one or more classes of said Lottery within this Commonwealth so as to enable him to raise the sum of five thousand dollars.

Resolved, For the reasons set forth in said petition, that the said Perkins Nichols have leave to expose for sale tickets in

said Lottery, and to draw one or more classes of the same within this Commonwealth, so as to enable him to raise the said sum of five thousand dollars.

Provided, The said Perkins Nichols shall give bonds in the sum of ten thousand dollars to the Treasurer of this Commonwealth, conditioned for laying out said sum of five thousand dollars in exploring and working said mine : *Provided further*, That the managers of said Lottery shall give bonds in the sum of ten thousand dollars to the Treasurer of this Commonwealth, conditioned for making sale of no more tickets than may be necessary for raising said sum of five thousand dollars, exclusive of the expenses ; and for rendering an account to the General Court of this Commonwealth of all their doings, and of all charges by them made and allowed, by the seventh day of June, in the year of our Lord one thousand eight hundred and ten.

CXCIX.

Resolve authorizing the Attorney General to defend the estate of Henry Woods, deceased, against the claim of James Martin.
June 10th, 1808.

On the petition of Samson Woods, administrator on the estate of Henry Woods, late of Pepperel, in the county of Middlesex, Esq. deceased, praying for the assistance of this Commonwealth in defence of certain suits brought by James Martin, to recover possession of certain lands in Townshend, in said county, which were conveyed by this Commonwealth to the said Henry Woods in his life time, with warranty.

Resolved, For reasons set forth in said petition, that the Attorney General of this Commonwealth be, and he hereby is authorized to appear on behalf of said Commonwealth, in the suits now depending in the county of Middlesex, brought by the said James Martin, against Jonathan Wyeth, Abner Adams, Joseph Jackman, Caleb Taylor, Levi Sherwin, Zimri Sherwin, and the said Samson Woods respectively, for the recovery of parts of said lands, conveyed to said Henry Woods as aforesaid, to examine into the title of the said James Martin to the said lands ; and the said Attorney General is hereby further authorized and required, on behalf of this Commonwealth, to defend against the claim of said Martin in said suits if he shall think it expedient, and not otherwise, and to substitute any other person or persons to do and transact the said business in his stead,

or any matter or thing thereto appertaining, at his discretion.

And it is further resolved, That his Excellency the Governour, by and with the advice and consent of the Hon. Council be, and he hereby is authorized and requested to issue his warrant on the Treasury for such sum, not exceeding two hundred dollars, as the said Attorney General shall apply for, to defray the necessary expenses of any of the services hereby required, for which sum the said Attorney General is to be accountable.

CC.

Resolve authorizing the Attorney General to defend Lemuel Petts against the claim of James Martin. June 10th, 1808.

On the petition of Lemuel Petts, praying for the assistance of this Commonwealth in defence of certain suits brought by James Martin, to recover possession of certain lands in Townshend, in the county of Middlesex, which were conveyed by this Commonwealth to the said Petts, with warranty.

Resolved, For reasons set forth in said petition, that the Attorney General of this Commonwealth be, and he hereby is authorized to appear in behalf of the said Commonwealth, in the suits now depending in the county of Middlesex, brought by the said James Martin against Joel Butler, Samuel Jenkins, and the said Lemuel Petts respectively, for the recovery of parts of said lands, conveyed to said Petts as aforesaid, to examine into the title of the said James Martin to the same lands; and the said Attorney General is hereby further authorized and required, on behalf of this Commonwealth, to defend against the claims of said Martin in said suits, if he shall think it expedient and not otherwise, and to substitute any other person or persons to do and transact the said business in his stead, or any matter or thing thereto appertaining, at his discretion.

And it is further resolved, That his Excellency the Governour, by and with the advice and consent of the Hon. Council be, and he hereby is authorized and requested to issue his warrant on the Treasury for such sum, not exceeding sixty dollars, as the said Attorney General shall apply for, to defray the necessary expense of any of the services hereby required, for which sum the said Attorney General is to be accountable.

Resolve for granting two thousand dollars to enlarge the work-shops at the State's Prison. June 10th, 1808.

Resolved, That his Excellency the Governour, by and with the consent of the Counsel be, and he is hereby authorized to draw warrants upon the Treasurer of this Commonwealth, in favour of the Superintendent of the State's Prison, for such sums and at such periods as he may deem expedient, not exceeding two thousand dollars, to enable said Superentendent to enlarge the work shop, for the more convenient and profitable employment of the prisoners, conformably to a report of a committee of the Honourable Counsel, dated June 9th, 1808—the said Superintendent to be accountable for the money so received.

CC.

Resolve authorizing the Secretary and Treasurer to lease the Province House for one year. June 10th, 1808.

Resolved, That the Treasurer and Secretary of this Commonwealth be, and they are hereby authorized and directed to lease out the Province House, so called, and its dependences, from the first day of July next to the first day of July, which will be in the year of our Lord 1809, the rent to be paid into the Treasury in quarterly payments.

CCI.

Resolve repealing a resolve setting aside the proceedings of a Court Martial in the trial of Col. Willington. June 10th, 1808.

Whereas a resolve of the General Court was passed the eleventh of March, one thousand eight hundred and eight, whereby the proceedings of a Court Martial, holden at Cambridge, on the twentieth of April, one thousand eight hundred and three, for the trial of Jeduthan Willington, Lieutenant Colonel Commandant of the first Regiment, first Brigade and third Division of the Militia of this Commonwealth were wholly set aside, the effect of which has a tendency to destroy the rank of certain officers in said Brigade, and is otherwise injurious to the honour of the Militia.

Therefore be it resolved, That the aforesaid resolve of the eleventh of March, one thousand eight hundred and eight, whereby were set aside the proceedings of a Court Martial, holden at Cambridge on the twentieth day of April, one thou-

sand eight hundred and three, for the trial of Jeduthan Willington, Lieutenant Colonel Commandant of the first Regiment, first Brigade and third Division of the Militia be, and the same is hereby wholly repealed: *Provided nevertheless*, nothing in this resolve shall be construed to deprive said Lieutenant Colonel Jeduthan Willington of any rights or privileges he may have acquired in virtue of the same.

CCII.

Resolve discharging Thomas Gardner Uran from an execution.
June 10th, 1808.

On the petition of Thomas Gardner Uran, shewing that he has been confined in the gaol in the county of Suffolk, since the ninth day of April last, by virtue of an execution in favour of the Commonwealth, amounting to thirty dollars debt, and fourteen dollars and sixteen cents costs of suits, and that he is wholly unable to discharge said execution, or to pay the expenses of the prison, and that he remains in confinement supported by the town of Boston as a town pauper.

Resolved, That the whole of the aforesaid sums, amounting to forty-four dollars and sixteen cents, due by virtue of said execution, be and hereby are remitted to him the said Thomas Gardner Uran, and that the Sheriff of the county of Suffolk be, and he is hereby directed to discharge said Thomas Gardner Uran from prison; *Provided* said Thomas Gardner Uran is detained in prison by virtue of said execution only.

CCIII.

Resolve granting Jacob Kuhn three hundred and fifty dollars in addition to his salary. June 10th, 1808.

Resolved, That there be allowed and paid out of the publick Treasury, to Jacob Kuhn, three hundred and fifty dollars for the present year, commencing the thirtieth day of May last, to be in addition to the sum of four hundred dollars, allowed him by a resolve of March 26th, 1793, establishing the pay of the Messenger of the General Court.

CCIV.

Resolve discharging Rufus Tarbox from an execution.
June 10th, 1808.

On the petition of Rufus Tarbox, *Resolved*, For the reasons set forth in said petition, stating that at a Court of Common

Pleas, holden at Biddeford, in the county of York, on the first Monday of January, 1807, an indictment was found against said Tarbox by the Grand Jury, for erecting a wooden fence across a certain road in said Biddeford; that said Tarbox afterwards, viz. on the sixteenth of March, 1807, appeared before Daniel Granger, Esq. one of the Justices of the Peace for said county, and entered into recognizance in the sum of forty dollars, for his personal appearance at the Court of Common Pleas, for said county of York, on the third Monday of April;—that said Tarbox has removed said incumbrance:—That upon said petitioner paying all costs that have already arisen on the suits, which have been commenced on said recognizance, or on the execution which may have issued on the judgment recovered thereon, he shall be discharged from said judgment and recognizance.

CCV:

Resolve allowing the Secretary two hundred dollars to pay assistant Clerks. June 10th, 1808.

Resolved, That there be allowed and paid out of the publick Treasury, two hundred dollars, unto William Tudor, Esq. Secretary of this Commonwealth, for pay for assistant Clerks, employed to expedite the publick business, he to be accountable for the same; and that his Excellency the Governour be requested, by and with the advice and consent of the Council, to draw his warrant on the Treasury accordingly.

CCVI.

Resolve allowing pay to the Clerks in the Secretary and Treasurer's Office. June 10th, 1808.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the first Clerk in the Secretary's Office, three dollars and eighty four cents per day; and to the other Clerks in said Office, three dollars per day, for each day they may be employed respectively, from the first day of June instant, to the first day of June one thousand eight hundred and nine, being the same allowance made to them the last year.

And be it further resolved, That the sum of three dollars and eighty-four cents be allowed and paid from the publick Treasury, to the two Clerks in the Treasurer's Office, for each day they may respectively be employed therein, for one year, commencing the first day of June instant, being the sum allowed them the last year.

CCVII.

Resolve allowing Jacob Kuhn seven hundred dollars to purchase fuel. June 10th, 1808.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to Jacob Kuhn, Messenger of the General Court, the sum of seven hundred dollars, to enable him to purchase fuel and such other articles as may be necessary for the use of the General Court, together with the Governor and Council, Secretary's and Treasurer's Offices, he to be accountable for the expenditure of the same.

CCVIII.

Resolve allowing the accounts of county Treasurers, and granting county taxes. June 10th, 1808.

Whereas the Treasurers of the following counties have laid their accounts before the Legislature for examination, which accounts have been examined and allowed. And whereas the Clerks of the Courts of General Sessions of the Peace, for the said counties, have exhibited estimates, made by the said Courts of the necessary charges which may arise within the said several counties for the year ensuing, and of the sums necessary to discharge the debts of the said counties.

Resolved, That the sums annexed to the following counties be, and the same are hereby granted as a tax for each county respectively, to be apportioned, assessed, paid, collected and applied, for the purposes aforesaid, according to law.

Dolls.

Essex, ten thousand two hundred dollars,	10,200
Middlesex, six thousand seven hundred dollars,	6,700
Plymouth, one thousand five hundred dollars,	1,500
Norfolk, four thousand five hundred dollars,	4,500
Lincoln, four thousand five hundred dollars,	4,500
Kennebeck, eight thousand dollars,	8000
Oxford, one thousand seven hundred fifty dollars,	1,750

Provided however, and it is further resolved, That of the eight thousand dollars, which is hereby granted and ordered to be raised in the county of Kennebeck for the present year, and which sum is to include the extra expenses of building a new gaol, five thousand dollars only shall be immediately assessed upon the said county, and the remaining sum of three thousand dollars shall not be assessed until the year 1809.

CCIX.

Resolve granting Edward St. Loe Livermore and others, three years to settle township No. 2. June 10th, 1808.

On the petition of Edward St. Loe Livermore, William King Atkinson and Oliver Crosby.

Resolved, For reasons set forth in said petition, that a further time of three years, from the tenth day of June instant be, and the same is hereby allowed to said petitioners, their heirs and assigns, to settle township No. 2, in the sixth range of townships north of the Waldo Patent, in the county of Hancock, and if the said Edward St. Loe Livermore, William K. Atkinson and Oliver Crosby, their heirs and assigns shall, on or before the tenth day of June, in the year of our Lord one thousand eight hundred and eleven, procure and settle upon said township the full number of settlers required by the condition of the grant of the Commonwealth to the original grantees, that the estate of said petitioners, their heirs and assigns, shall be as valid and effectual as if said township had been settled in the time limited by said grant.

Roll No. 59. June, 1808.

THE Committee on accounts having examined the several accounts, they now present,

REPORT, That there are due to the corporations and persons hereafter mentioned, the sums set to their names respectively, which, when allowed and paid, will be in full discharge of the said accounts to the several dates therein mentioned.

THOMAS HALE, *per order.*

Pauper Accounts.

D. C.

Amesbury, for supporting Jonathan Sidewell to the time of his death, and doctors' bills and funeral charges,	72	87
Adams, for boarding, clothing, nursing and doctoring Freeman Blakely, Susanna Camp and Ann Wallin to 22d May, 1808,	118	15
Arundell, for boarding, nursing and doctoring John Campbell to 5th February, 1808,	182	50
Bridgewater, for boarding and clothing William Blakely, Frederick Bigner and Henry Ash, to 3d June, 1808, including Doctor Dunbar's bill,	67	69
Bradford, for supporting and doctoring Ira Percival and Joshua L. Alsars, to 1st June, 1808,	108	
Brookfield, for boarding George Baslington to 21st May, 1808,	30	
Bristol, for boarding and clothing William How, to 28th May, 1808,	74	
Belchertown, for boarding, clothing and nursing Amos Ames and wife to 20th May, 1808,	62	14
Barre, for boarding and clothing John C. Dandrich to 19th May, 1808,	26	58
Boston, for boarding and clothing sundry paupers to 1st June, 1808	6601	61
Barnstable, for boarding and doctoring Ebenezer Put- nam to the time of his leaving the State,	55	38
Conway, for boarding and doctoring John Allen to the time of his death and funeral charges,	30	36
Chester, for boarding and doctoring Daniel Smith to the time of his death, and funeral charges,	31	
Cape Elizabeth, for boarding, clothing and nursing James Ramsbottom, George Jephays and Abraham Birks to 22d May, 1808,	85	
Charlton, for boarding and nursing Thomas Adams to the time of his death and funeral charges,	27	46

Carlisle, for supporting Robert Barber to 28th May, 1808,	25 20
Cheshire, for boarding, clothing and doctoring Ephraim Richardson and Clarissa Newcomb and child to 23d May, 1808,	113 07
Chelmsford, for supporting Catharine M'Clenney to 27th May, 1808,	42 83
Dartmouth, for boarding and clothing John Quannaville to 21st May, 1808,	108
Dresden, for supporting John Collins to 1st January, 1808,	80 20
Danvers, for boarding and clothing Jane Duckedy, Ruth Parsons, John Kirby and Mingo, a black man, to 6th June, 1808,	77 48
Deblobis George, keeper of the Alms House in Boston, to 1st June, 1808,	462 93
East Hampton, for boarding and medicine to John Hall, to 18th May, 1808,	31 18
Florida, for supporting the children of Amos Eldridge to 23d May, 1808,	71 46
Falmouth, in the county of Barnstable, for boarding, clothing and doctoring Benjamin Irvine to the time of his death, and Edward Edwards to 19th May, 1808,	20 16
Gorham, for supporting Robert Gillfilling to 30th May, 1808,	27
Granby, for boarding, clothing and doctoring Ebenezer Danin and John Murry, to 23d May, 1808,	49 97
Granville, for supplies to Archibald Stewart to May 16th, 1808,	7 80
Greenwich, for supplies to Eliza Harrington and family, to 21st May, 1808, and to Dr. Stone's account,	32 59
Gloucester, for boarding, clothing, nursing and doctoring sundry paupers to 10th May, 1808,	909 76
Hodgkins Joseph, keeper of the House of Correction in Ipswich, for boarding, clothing and doctoring Adilaide, a black woman, Mary, a black woman, Hulda Hicks and John Squins, to 1st June, 1808, and William Kelly to the time of his death, and funeral charges, and allowance made by the Court of Sessions to 4th April, 1808,	390 16
Haverhill, for boarding, clothing and doctoring Philip Slew to the time of his death, and funeral charges,	59 75

Hamilton, for boarding, clothing and doctoring Molly Macrief to 5th April, 1808,	73	23
Hartshorn Oliver, keeper of the gaol in Boston, for supporting sundry poor debtors to 19th April, 1808,	295	54
Leicester, for boarding, clothing and doctoring Lydia Dunham to 19th April, 1808,	56	90
Leyden, for boarding, clothing and doctoring Samuel Lamphires wife; Jedidiah Fuller and family, and Eliza Waggoner, to 21st May, 1808,	59	26
Lanesborough, for boarding and clothing Dent Garrison and Jerusha Welsh to 1st June, 1808,	93	74
Lenox, for supporting Abram Palmer and child, Chester Briggs, Sophia Hawley and Polly Huston, and Dr's. bills to 26th May, 1808,	86	05
Lexington, for boarding, nursing and doctoring to the time of his death, John D. Clifford, including funeral charges,	71	25
Montague, for supporting and doctoring Joshua Searl to 10th May, 1808,	35	68
Mendon, for boarding, nursing and doctoring Robert Allison to the time of his death,	37	-
Marblehead, for boarding, clothing and doctoring sundry paupers to 5th June, 1808,	248	66
New Bedford, for supporting sundry paupers to 20th May, 1808,	100	22
Newbury, for boarding, clothing and doctoring sundry paupers to 1st June, 1808,	673	11
Newburyport, for boarding, clothing and doctoring sundry paupers to 1st June, 1808,	1222	47
New Gloucester, for expense of removing Benjamin Fowler out of the State,	17	22
New Salem, for boarding and clothing twq children of Olive Bedient to 5th April, 1808,	53	20
Portland, for boarding, clothing and doctoring sundry paupers to 23d May, 1808,	735	30
Rutland, for boarding, clothing and doctoring William Henderson, to 19th May, 1808,	30	31
Readfield, for supporting and doctoring Colin Cameron to 1st June, 1808,	19	60
Russell, for supplies and doctoring to John Newton and family to 19th May, 1808,	37	46
Swansea, for boarding and clothing Thomas Conally to 21st May, 1808,	21	65

South Brimfield, for boarding, clothing and doctoring Charles Hazard and John Swaney, to the time of their death, and funeral charges,	106 52
Sturbridge, for Doctor Corry's bill for attendance and medicine for Jonas Banton, to 4th January, 1808,	5 50
Sandwich, for boarding, nursing and doctoring Levi-na Richeson and child, to 25th February, 1808, including funeral expenses for the child,	19 68
Sherburne, for supporting Benjamin Haughton to 29th January, 1808,	52
St. George, for boarding and clothing Robert Haws, William Benson and Ellenor Mathew, to 3d June, 1808,	54 70
Tyrringham, for boarding, nursing and doctoring Theodore Murphet to 4th January, 1808,	18 30
Vinalhaven, for boarding and clothing William Proctor to 2d April, 1808,	67 20
Vassalborough, for boarding, clothing and doctoring James Lester to 23d May, 1808,	91 18
Washington, for boarding and clothing Phebe Clark to 4th May, 1808,	20 20
Windsor, for boarding and clothing Henry Smith and wife to 20th May, 1808,	35 29
Worcester, for boarding, nursing and doctoring Peter Willard, John Melvin and wife, Henry Bratz and Samuel Cook, and supplies to James Campbell to 1st June, 1808,	123 15
Warwick, for clothing, boarding and doctoring Samuel Griffith to 1st June, 1808,	51 48
Westfield, for boarding, nursing and doctoring John Peckham till he left the State,	27 68
West Springfield, for boarding, clothing and doctoring William Bell and Sarah Felt's child, to 22d May, 1808,	33 75
Williamstown, for boarding, clothing and doctoring Rachel Galusha, Stephen Blew, Charles M'Carter, Robert Morrill and Moses Fowler to 17th May, 1808,	155 90
Wrentham, for supporting and doctoring Elizabeth Taylor and daughter to 1st May, 1808,	48 15
Woburn, for supporting widow Dorothy Linham and children to 6th, June 1808,	50

York, for boarding and clothing Edward Perkins and wife, Nicholas Tuttle, Mary Crocker, Sarah Avery, Edward Voudy and Amos Caswell to 1st June, 1808,

151 80

Total Paupers

\$ 15,162 61

*Military Accounts.**Courts Martial and Courts of Inquiry.*

Child Thomas, for expense of Court Martial, held at Portland, August, 1806, whereof was President Thomas Chute,

88 65

Child Thomas, for expense of Court Martial, held at Portland, April, 1808, whereof was President Charles Thomas,

101 83

Haggeus Benjamin, for expense of Court Martial, held at Sanford, 1st February, 1808, whereof was President John Mitchell,

114 71

Hubbard Dudley, Judge Advocate, for his services on the trials of Captain John Hanson and Captain E. Elder, April 1803, and Lieutenant I. M. Ingraham, in August, 1806,

72 78

Brigade Majors and Aids-de-Camp.

Brown C. Henry, to 1st May, 1808,

44 57

Hight William, to 16th May, 1808,

37 25

Ham matt William, to 25th April, 1808,

94 12

Prince John, Jun. to 1st June, 1808,

91 18

Smith Erastus, to 20th May, 1808,

115 90

Adjutants.

Allen Elisha, for his services to 20th April, 1808,

22 66

Brooks Aaron, to 3d March, 1808,

20 37

Blake George, to 15th April, 1808,

14 07

Chaffee Jonathan, to 8th March, 1808,

10 74

Child Thomas, to 1st May, 1807,

18 37

Haggeus Benjamin, to 1st February, 1808,

32 39

Hide Ebenezer, to 10th May, 1808,

9 51

Pilsbury William, to 28th January, 1808,

17 67

Partridge Samuel, to 4th May, 1808,

35 85

Serjeant John, to 5th September, 1807,	5 48
Waters Asa, to 3d February, 1808,	12 18
Wheeler Asa, to 12th November, 1808,	3 34
Woodman Ephraim, to 1st April, 1808,	33 50

Expense for Horses to haul Artillery.

Blasland William, to 22d January, 1807,	7
Dillingham Cornelius, to 13th October, 1807,	5
Pullen Jonathan, to 20th May, 1808,	9
Smith Albert, to 1st May, 1808,	5
Thayer W. Enoch, to 1st June, 1808,	6
 Total Military,	 1029 12

Sheriffs' Accounts and Coroners.

Barrett Joseph, for dieting and nursing Henry Farwell, a convict, to 25th May, 1808,	29
Dimmick Joseph, for returning votes for Governor, Lieut. Governor and Senators for 1807,	6 40
Lawrence Jeremiah, for returning votes for Governor, Lieut. Governor and Senators to May 18th, 1808,	10 80
Mattoon Ebenezer, for returning votes for Governor, Lieutenant Governor and Senators to 1st June, 1808,	7 20
Wyman Isaiah, for expense of taking Inquisition on the body of a person unknown,	13 10
Folsom W. John, for taking Inquisition on the bodies of Anderson Phillips and Felix M'Cauly, foreigners,	48 80
 Total	 115 50

Printers' Accounts.

Adams and Rhoades, finding paper and printing for the Government to the 10th June, 1808,	4,190 87
Babson and Rust, for publishing Acts and Resolves to June, 1807,	16 67
Cushing C. Thomas, for publishing Acts and Resolves to June, 1808,	16 67
Dennio John, for publishing Acts and Resolves to June, 1808,	16 67
Edes Peter, for publishing Acts and Resolves to 1st June, 1808,	16 67

Thomas Isaiah, Jun. for publishing Acts and Resolves to May, 1808,	33 33
Young and Minns for publishing Acts and Resolves to June 1808,	33 33
Pool and Palfrey for publishing Acts and Resolves to 1st June, 1808,	16 67
Total Printers,	4340 88

Miscellaneous.

Durant William, for cleaning and repairing State House windows to 10th May, 1808,	41 75
Guardians of Dudley Indians, due them in full to 21st May, 1808, which sum the Treasurer is directed to charge said Indians with, and to be deducted from the sum due them from the Commonwealth,	89 44
Hastings Jonathan, for postage of letters, &c. for the Governour, Secretary, Treasurer and Adjutant General to 1st May, 1808,	99 77
Hill Aaron, for postage of letters and packages for Government to 8th June, 1808,	17 36
Kuhn Jacob, for so much due him over and above a grant of \$ 800 passed 20th June, 1807, and five dollars received of the District Court for fuel,	374 44
Loring Josiah, for stationary for Adjutant General's Office to 18th May, 1808,	19 00
Larkin E. and I. for stationary for Treasurer's Office to 10th May, 1808,	26 75
Lapham Sylvanus, for assisting Messenger to the Gen- eral Court to 10th June, 1808,	38 00
Perry John, for assisiting the Messenger of the Gen- eral Court to 10th June, 1808,	32 00
Skinner J. Thompson, for Moses B. Foster's account for copperplate and printing State Notes, and oil for the Lamps at State House,	102 78
Titcomb Enoch, Harris Thomas, and Welles John, for examining and adjusting the accounts of the Treasurer of the Commonwealth to June, 1807,	70 00
Vose and Coates for Table and Chairs for the Coun- cil Chamber,	345 72
Total Miscellaneous,	1257 01

Aggregate of Roll, No. 59, June, 1808.

Expense of State Paupers,	15,162	61
Do. Militia,	1029	12
Do. Sheriffs and Coroners,	115	30
Do. Printers,	4340	88
Do. Miscellaneous,	1257	01
	<hr/>	
Total,	21,904	92

In Senate, June 10th, 1808.

Resolved, That there be allowed and paid out of the publick Treasury to the several Corporations and persons mentioned in this Roll, the sums set against such Corporation's and person's names respectively, amounting in the whole to twenty-one thousand nine hundred and four dollars and ninety-two cents ; the same being in full discharge of the accounts and demands to which they refer.

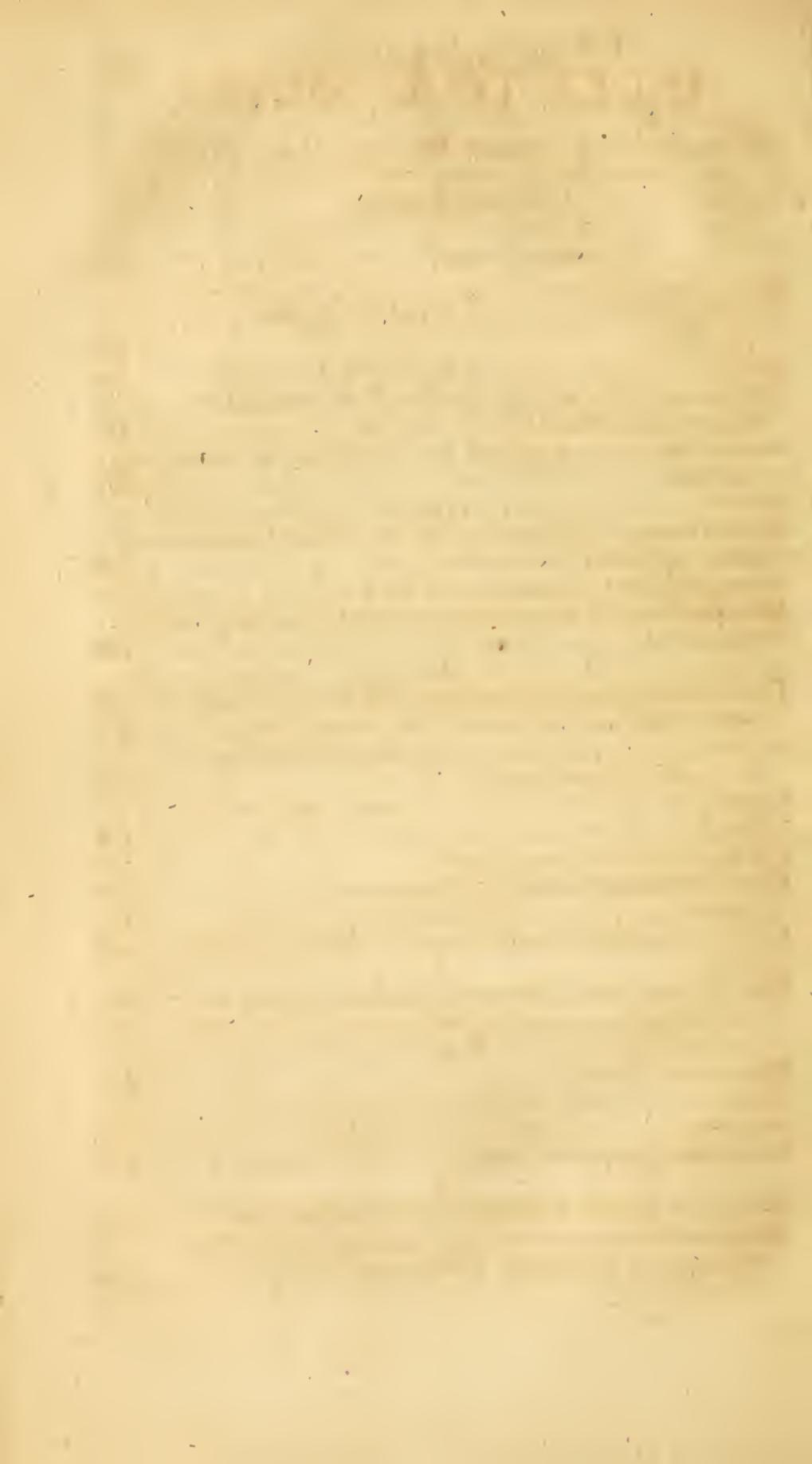
Sent down for concurrence. H. G. OTIS, *President.*

In the House of Representatives, June 10th, 1808. Read and concurred. TIMOTHY BIGELOW, *Speaker.*

BY THE GOVERNOUR—APPROVED.

JAMES SULLIVAN.

June 10th, 1808.



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CIVIL LIST

OF THE
LEGISLATIVE AND EXECUTIVE BRANCHES OF THE GOVERNMENT
OF THE

COMMONWEALTH OF MASSACHUSETTS,

For the political year 1808-9.

HIS EXCELLENCY

JAMES SULLIVAN, Esq. *Governour*,

AND HIS HONOUR

LEVI LINCOLN, Esq. *Lt. Governour.*

COUNCIL.

Hon. David Cobb,
Edward H. Robbins,
George Cabot,
Artemas Ward,
Benjamin Pickman, jun.

Hon. Prentiss Mellen,
Oliver Fiske,
Ephraim Spooner,
Thomas Dwight.

SENATE.

Hon. HARRISON G. OTIS, Esq. *President.*

Suffolk—Hon. Harrison G. Otis, William Spooner, John Phillips, Peter C. Brooks, James Lloyd, jun.

Essex—Hon. Enoch Titcomb, John Heard, John Phillips, Nathaniel Thurston, William Gray, Samuel Putnam.

Middlesex—Hon. Aaron Hill, Samuel Dana, Amos Bond, J. L. Tuttle.

Hampshire—Hon. Ezra Starkweather, Hugh McLellan, Eli P. Ashmun, S. Lathrop.

Bristol—Hon. Nathaniel Morton, jun. David Perry.

Plymouth—Hon. Nathan Willis, Seth Sprague.

Burnstable—Hon. Joseph Dimmick.

Dukes County and Nantucket—Hon. Gorham G. Hussey.

Worcester—Hon. Salem Town, Elijah Brigham, Thomas Hale, Jonas Kendell.

Berkshire—Hon. Timothy Childs, Azariah Egleston.

Norfolk—Hon. John Howe, Ebenezer Fisher.

York—Hon. John Woodman, Joseph Leland.

Cumumberland—Hon. Lothrop Lewis, Ammi R. Mitchell.

Lincoln, Hancock, and Washington—Hon. William King, Theodore Lincoln.

Kennebeck—Hon. Barzillai Gannet.

HOUSE OF REPRESENTATIVES.

Hon. TIMOTHY BIGELOW, *Speaker.*

SUFFOLK.

Boston, Christopher Gore,
William Smith,
James Robinson,
William Brown,
Jonathan Hunnewell,
John Welles,
William Phillips,
Stephen Codman,
Benjamin Russell,
Daniel Sargent,
Thomas W. Sumner,
John Callender,
Benjamin Goddard,
Benjamin Whitman,
John T. Apthorp,
Thomas Danforth,
Charles Davis,
William Hammatt,
Jonathan Chapman,
Thomas Dennie,
Benjamin Bussey,
John Parker,
Joseph Head,
Ebenezer T. Andrews,
Ignatius Sargent,
Stephen Higginson, jr.
Isaac P. Davis,
Joseph Coolidge, jun.
Charles Jackson,
Francis D. Channing,
William H. Sumner,
Chelsea, Nathaniel Hall,

ESSEX.

Salem, John Hathorne,
William Cleaveland,
John Southwick,
Joshua Ward,
Joseph Story,
Joseph Winn,
Joseph Sprague, jun.
Benj. Crowninshield, jr.
Marblehead, John Prince,

Nathan B. Martin,

Phillip Besom,

John Bailey,

Asa Hooper,

Joshua Prentiss, jun.

Lynn and Lynnfield, Jos. Fuller,

Micajah Newhall,

Aaron Breed.

Danvers, Samuel Page,

Nathan Felton,

Squire Shove.

Beverly, Israel Thorndike,

Thomas Davis,

Abner Chapman,

Thomas Stephens.

Wenham, Samuel Blanchard.

Manchester, Henry Story.

Hamilton, Robert Dodge.

Gloucester, Benja. K. Hough,

Thomas Parsons,

John Somes, jun.

Benjamin Webber,

James Tappan.

Ipswich, Nathaniel Wade,

Jonathan Cogswell, juu.

John Farley.

Rowley, Moody Spafford,

Thomas Gage.

Newbury, Josiah Little,

Silas Little,

John Osgood,

Richard Pike.

Newburyport, Mark Fitz,

Thomas M. Clark,

Andrew Frothingham,

Jonathan Gage,

Stephen Howard,

John Pearson,

Abner Wood,

John Peabody.

Bradford, Samuel Webster,

Thomas Savory.

Boxford, Thomas Perley.

- Andover*, Thomas Kittredge.
Topsfield, Nathaniel Hammond.
Salisbury, Jonathan Morrill.
Amesbury, Benjamin Lurvey.
Haverhill, James Smiley.
Methuen, Benjamin Osgood.
- MIDDLESEX.
- Charlestown*, Thomas Harris,
Mathew Bridge,
David Goodwin,
Peter Tufts, jun.
Elijah Mead.
- Cambridge*, John Mellen,
Samuel P. P. Fay.
- West-Cambridge*, S. Butterfield.
- Brighton*, Stephen Dana.
- Medford*, Timothy Bigelow.
- Malden*, Jonathan Oaks.
- Newton*, Timothy Jackson,
Samuel Murdock.
- Watertown*, Thomas Clark.
- Waltham*, Abner Sanderson.
- Weston*, Isaac Fisk.
- Lincoln*, Samuel Hoar.
- Lexington*, Nathan Chandler.
- Sudbury*, William Hunt.
- East Sudbury*, Jacob Reeves.
- Holliston*, Jesse Haven.
- Hopkinton*, Walter M'Farland.
- Framingham*, John Fisk.
- Marlborough*, Jedediah Brigham,
Ephraim Barber.
- Stow and Boxboro'* } Ephraim Whitcomb,
- Concord*, Joseph Chandler,
Jonas Lee.
- Woburn*, Bill Russel.
- Reading*, Timothy Wakefield,
Daniel Flint.
- Billerica*, Joseph Locke.
- Chelmsford*, William Adams,
Ichabod Gibson.
- Carlisle*, Ephraim Robbins.
- Westford*, Thomas Fletcher, jr.
- Acton*, Jonas Brooks.
- Littleton*, Simon Hartwell.
- Groton*, Joseph Moors.
- Dracut*, Daniel Varnum.
- Dunstable and Tyngsborough*, } Matt. Scribner.
- Shirley*, Nathaniel Holden.
- Pepperell*, Joseph Heald.
- Townsend*, Abner Adams.
- HAMPSHIRE.
- North and East Hampton*, } Sol. Stoddard, jr.
- 'Thaddeus Clap,
Isaac C. Bates,
William Edwards.
- Southampton*, Lemuel Pomroy.
- Westhampton*, Sylvester Judd.
- Westfield*, Ashbel Eager,
Jedediah Taylor.
- West Springfield*, Jon. Smith, jr.
- Jere Stebbins,
Charles Ball,
Jesse M'Intire.
- Southwick*, Enos Foot.
- Granville*, Israel Parsons,
John Phelps.
- Blandford*, Joseph Bull.
- Norwich*, Aaron Hall.
- Chester*, Sylvester Emmons.
- Chesterfield*, Benjamin Parsons.
- Middlefield*, Uriah Church.
- Worthington*, Jonathan Brewster.
- Williamsburgh*, John Wells.
- Hatfield*, Isaac Maltby.
- Whately*, Phineas Frary.
- Deerfield*, Elihu Hoyt,
Ebenezer H. Williams.
- Conway*, John Bannister.
- Goshen*, Samuel Whitman.
- Ashfield*, Ephraim Williams,
Elijah Paine.
- Plainfield*, John Cunningham.
- Cumington*, Peter Bryant.
- Greenfield and Gill*, Isaac Newton,
James Gould.
- Bernardston & Leyden*, } Hez. Newcomb, jr.
- Stephen Webster.
- Colrain*, David Smith,
Jonathan M'Gee.

- Shelburn*, Julia Kellogg.
Buckland, Enos Pomroy.
Hawley, Edmund Longley.
Charlemont, Abel Wilder.
Heath, Roger Leavitt.
Rowe, John Wells.
Springfield, Jacob Bliss,
 Jonathan Dwight, jun.
 Moses Chapin.
Longmeadow, Ethan Ely.
Monson, Abner Brown.
Brimfield, Stephen Pynchon,
 Jonas Blodget.
Ludlow, Gad Lyon.
Palmer, Aaron Merrick.
Ware, William Bowdoin.
Greenwich, Reuben Colton.
Belchertown, Eleazer Clark,
 Eliakim Phelps,
 Joseph Bridgman, jr.
Pelham, John Conkey.
Granby, David Smith.
Amherst, Zebina Montague,
 Samuel F. Dickinson.
Hadley, Charles Phelps.
South } Ruggles Woodbridge.
Hadley, }
Sunderland, Daniel Whitmore.
Montague, Medad Montague.
Wendell, Joshua Green.
Shutesbury, Peter Lamb.
New Salem, Varney Pearce,
 Samuel C. Allen.
Northfield, Ezekiel Webster.
Warwick and Orange, } Josiah Cobb,
 Ebenezer Williams.

PLYMOUTH.
Plymouth, Nathaniel Goodwin.
Kingston, John Faunce.
Duxbury, Ezekiel Soule.
Marshfield, John Thomas.
Pembroke, Isaac B. Barker,
 Bailey Hall.
Bridgewater, William Baylies.
Middleborough, John Tinkham,
 Levi Pierce,

Rochester, Gideon Barstow, jr.
Plimpton, Elijah Bisbe.
Halifax, Nathaniel Morton.
Abington, Samuel Niles.
Hanover, John B. Barstow.
Scituate, Charles Turner, jun.
 Enoch Collamore.
Hingham, Hawkes Fearing,
 Jonathan Cushing.

BRISTOL.
Taunton, John W. Seabury.
Dighton, John Hathaway.
Rehoboth, Elkanah French, jun.
Swanzey, Daniel Hale.
Somerset, William Reed.
Attleborough, Joel Reed.
Mansfield, Solomon Pratt.
Norton, Laban Wheaton.
Eastown, John Tisdale.
Raynham, Israel Washburn.
Berkley, Apollos Tobey.
Freetown, William Rounsevell,
 Ebenezer Pierce.
New-Bedford, Alden Spooner,
 Seth Spooner,
 Samuel Perry,
 Charles Russel.
Dartmouth, Joel Packard.
Westport, Abner Brownell,
 Sylvester Brownell.
Troy, Abraham Bowen.

BARNSTABLE.
Barnstable, Richard Lewis,
 Jabez Howland,
 Joseph Blish, jun.
Sandwich, John Freeman,
 Benjamin Percival.
Falmouth, Braddock Dimmick,
 James Hinkley.
Yarmouth, John Eldridge,
 James Crowell.
Dennis, Judah Paddock.
Harwich, Ebenezer Weekes.
Brewster, Isaac Clark.
Chatham, Reuben Ryder.

- Orleans*, Jonathan Bascom.
Eastham, Samuel Freeman.
Wellfleet, Josiah Whitman.
NANTUCKET.
Nantucket, Micajah Coffin,
Walter Folger, jun.
Uriah Swaine.
WORCESTER.
Worcester, Edward Bangs,
Ephraim Mower,
Nathan White.
Leicester, Nathaniel F. Denny.
Spencer, Benjamin Drury.
Brookfield, Dwight Foster,
Oliver Crosby,
Isaac Nickols,
Rufus Hamilton.
Sturbridge, Zenas L. Leonard.
Charlton, John Spurr,
James Wolcott.
Dudley, Aaron Tufts.
Douglas, Benjamin Craggin.
Uxbridge, Peter Farmum.
Mendon, Joseph Adams.
Milford, Samuel Jones.
Upton, Ezra Wood.
Grafton, Joseph Wood.
Sutton, Jonas Sibley,
Josiah Stiles.
Oxford, Abijah Davis.
Shrewsbury, Vashni Hemenway.
Westborough, Nathan Fisher.
Southborough, Jeroboam Parker.
Northborough, James Keys.
Boylston, James Longley.
West Boylston, Ezra Beaman.
Lancaster, Eli Stearns,
Jonas Lane.
Harvard, Jonathan Symonds.
Bolton and Berlin, Silas Holman,
Levi Meriam.
Sterling, Israel Allen,
Bartholomew Brown.
Holden, William Drury.
Rutland, Zadock Gates.
Paxton, Nathaniel Crocker.
Oakham, Jeptha Ripley.
New Braintree, Jos. Bowman, jr.
Hardwick, Timothy Page.
Barre, Elijah Caldwell.
Petersham, Nathaniel Chandler.
Princeton, William Dodds.
Leominster, Abijah Bigelow.
Lunenburgh, Edmund Cushing.
Westminster, Jonas Whittlesey,
Abel Wood.
Winchendon, William Whitney.
Royalston, Isaac Gregory.
Templeton, Lovel Walker.
Athol, Samuel Young.
Gerry, Ithamar Ward.
- BERKSHIRE.
- Sheffield & Mount* } J. Hubbard,
Washington. } S. Shears.
New Marlborough, Z. Wheeler.
Sandisfield & Southfield, } John Picket.
Tyringham, Joseph Wilson..
Great Barrington, Thomas Ives,
David Wainwright.
Egremont, James Baldwin.
Alford, Elijah Fitch.
Stockbridge, Elijah Brown.
West Stockbridge, F. Wilson.
Lees, Josiah Yale.
Becket, George Conant.
Washington, Gideon Deming.
Lenox, Amasa Gleason.
Richmond, Hugo Burghardt.
Pittsfield, Joshua Danforth,
John Churchill,
Joseph Shearer.
Hinsdale, Thomas Allen.
Peru, Smith Phillips.
Lanesborough & Ashford, } S. H. Wheeler.
Cheshire, Daniel Brown.
Adams, Elisha Wells.
Williamstown, William Towner,
William Young.
Savoy, Snellem Babbit.
- NORFOLK.
- Roxbury*, Joseph Heath,
William Brewer,

- Elisha Whitney,
Ralph Smith.
Dorchester, Perez Morton,
Ezekiel Tolman,
Phineas Holden.
Brookline, Stephen Sharp.
Dedham, John Endicott,
Samuel H. Dean,
Jonathan Richards.
Needham, James Smith.
Medfield & *Dover*, Aug. Plympton.
Medway, Abner Morse.
Bellingham, John Bates.
Franklin, Joseph Bacon.
Wrentham, Samuel Day.
Walpole, Asa Kingsbury.
Sharon, John Drake.
Stoughton, Lemuel Gay.
Canton, Benjamin Tucker.
Milton, David Tucker.
Quincy, Thomas Greenleaf.
Randolph, Thomas French.
Weymouth, Christopher Webb.
Cohasset, Thomas Lothrop.
- YORK.
- York*, Alexander M'Intire,
Elihu Bragdon.
Kittery, Mark Adams,
Alexander Rice,
Samuel Leighton.
Wells, Joseph Storer,
Joseph Moody,
Nahum Morrill,
John U. Parsons.
Arundel, Thomas Perkins.
Biddeford, Ichabod Fairfield.
Berwick, Richard F. Cutts,
Joseph Prime,
William Hobbs,
Micajah Currier.
Lebanon, David Legro.
Lyman, John Low.
Phillipsburgh, Abijah Usher.
Shopleigh, Jeremiah Emery,
John Bodwell, jun.
Parsonsfield, David Marston.
- Buxton*, William Merrill.
Saco, William Moody,
Benjamin Pike.
- CUMBERLAND.
- Portland*, Joseph Titcomb,
George Bradbury,
Matthew Cobb,
Joseph H. Ingraham,
William Jenks,
Isaac Adams.
Falmouth, James Means,
George Isley,
John Jones,
Isaac Stevens.
Cape Elizabeth, Joshua Webb.
Scarborough, George Hight.
Benjamin Larrabee.
Gorham, David Harding, jun.
Standish, Edmund Mussey.
Windham, Josiah Chute.
Gray, Joseph M'Lellan.
North Yarmouth, David Prince,
Jacob Mitchell,
Elisha P. Cutler.
Freeport, John Cushing.
Brunswick, Robert D. Duning.
Harpswell, Samuel Duning.
N. Gloucester, Jos. E. Foxcroft,
Nathan Weston, jun.
Poland, Samuel Andrews.
Otisfield, Benjamin Patch.
- LINCOLN.
- Wiscasset*, David Payson,
Abiel Wood, jun.
Woolwich, John Stinson.
Dresden, John Johnson.
New Milford, Moses Carleton,
Boothbay, Daniel Rose.
Bristol, Simon Elliot, jun.
James Drummond.
Nobleborough, David Dennis.
Waldoborough, Joseph Ludwig,
John Head.
St. George, Hezekiah Prince.
Thomastown, Moses Wheaton,
Joshua Adams.
Warren, Samuel Thatcher.

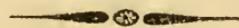
- Camden*, Joshua Dillingham.
Georgetown, Mark L. Hill,
 William Lee.
Bath, Samuel Davis,
 William Webb.
Topsham, Henry Wilson.
Litchfield, John Neal.
Lewistown, Joel Thompson.
 HANCOCK.
Buckstown, Stephen Peabody.
Orrington, Francis Carr.
Vinalhaven. William Vinal.
Belfast, Jonathan Willson.
Prospect, Henry Black.
Frankfort, Alexander Milliken.
Hampden, Seth Kempton.
Bangor, James Thomas.
 KENNEBECK.
Augusta, Samuel Howard.
Hallowell, Nathaniel Dummer,
 Samuel Moody.
Gardiner, Samuel Jewett.
Monmouth, Simon Dearborn, jr.
Greene, John Dagget.
Leeds, Daniel Lothrop, jun.
Winthrop, Samuel Wood.
Reedfield, Samuel Currier.
Mount Vernon, John Hovey.
Belgrade, Moses Carr.
Waterville, Elnathan Sherwin.
Fairfield, Obed Paddock.
New Sharon, Prince Baker.
Vassalborough, Philip Leach.
Winslow, Eleazer W. Ripley.
Fairfax, Joseph Cammet.
Clinton, Andrew Richardson.
Canaan, Bryce M'Lellan.
Norridgewock, John Ware.
Farmington, Samuel Butterfield.
 OXFORD.
Paris, Elias Stowell.
Buckfield, Enoch Hall.
Turner, John Turner.
Livermore, Simeon Waters.
Waterford, Hannibal Hamlin.
Bethel, Elias Chapman.
Jay, James Starr, jun.
 WASHINGTON.
Machias, John Dickenson.

RESOLVES,

Of the General Court of Massachusetts,

PASSED AT THE SESSION BEGAN AND HELD, AT BOSTON, ON
THE NINTH OF NOVEMBER,

*IN THE YEAR OF OUR LORD, ONE THOUSAND EIGHT HUNDRED
AND EIGHT.*



GOVERNOUR's MESSAGE.



NOVEMBER 10.

*About 4 o'clock, P. M. the Secretary communicated respectively to
the Senate and House the following*

MESSAGE :

GENTLEMEN OF THE SENATE, AND

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

THE Secretary of the Commonwealth has, by your direction, informed me, that a quorum of the Senate and House of Representatives have assembled, and are ready to proceed to the publick business of the Commonwealth pursuant to the design of their adjournment. I congratulate the people of the State upon the assembling in health and safety of so many of their Representatives. It would have given me inexpressible pleasure, if, when I had met you, I could have offered my congratulations on a happy situation of our foreign relations; but as that cannot be, in our present state, it is therefore not my duty to concern with them, and I shall therefore leave the subject to the Representatives of the people in the national government.

GENTLEMEN OF THE SENATE, AND

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

The adjournment which took place on the 11th day of June last, was made from that day to this at your request, for the special purpose of choosing Electors of President and Vice-President, as well

well as for transacting any other business which might become necessary at this time. From this mode of expression it has been conceived by many that the Senate and House intended to proceed in convention to the choice of Electors themselves, in their Legislative capacity, as appears by the Resolutions of the inhabitants of many towns in the Commonwealth ; with all, or the greatest part of which, you are, no doubt, already acquainted. I think it my duty to suggest to you, that a choice by the people at large or in Districts might have a tendency to obviate those objections, which, otherwise may leave the State involved in uneasiness and contention ; and from my acquaintance with the local situation of the Commonwealth, I think the time now remaining, if candidly and properly improved, will be sufficient for that purpose. I therefore request your attention to a question of so much importance to the harmony of the Government ; and I shall make every exertion in my power to effect an object so desirable.

GENTLEMEN,

The state of the Treasury with some unfortunate circumstances, which have lately appeared to attach themselves to it, shall be communicated to you by special message, and explained by special documents. Other documents concerning the Government, shall be laid before you, as occasion shall offer ; and my attention shall be devoted to render the session agreeable to your Constituents, and pleasant to yourselves.

November 9.

JAMES SULLIVAN.

ANSWER *OF THE HOUSE OF REPRESENTATIVES.*

MAY IT PLEASE YOUR EXCELLENCY.

THE House of Representatives reciprocate the sentiments and feelings of your Excellency at the assembling of so many of the members of the Legislature in health and safety.—But this pleasure is mingled with our sincere regret, that the indisposition of your Excellency prevents the usual and interesting Convention of the Legislative and Executive Departments of the Government, and a personal communication from your Excellency on our national concerns, in which we all feel a common interest.

We regret that we cannot at this time indulge in mutual congratulations on the happy situation of our foreign relations and domestick concerns. But, from whatever source our evils originate, we feel assured that the hopes and pursuits of a just, enlightened and brave people, will never be disappointed ; and we trust that our national and personal rights may yet be rescued, and secured from all assaults and intrigues, by a recurrence to an impartial and independent system of policy, a wise use of our publick means and especially by the immediate establishment of an effective Navy and the natural direction of our national energies.

As we consider a strict observance of the limits of the various powers granted or secured to the Governments of the United States and of the several States, indispensably necessary to our national happiness and peace we readily relinquish the administration of the concerns of the Union, and especially of our Foreign Relations, to the Federal Government. With this disposition we, at the same time, feel it equally our duty to guard with vigilance and preserve inviolate the principle essential to the independence and sovereignty of the individual States, that all powers not delegated to the United States, by the Federal Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the People.

As the Legislature has convened at this time rather for the special purpose of choosing Electors of President and Vice-President of the United States, than transacting the ordinary business of legislation, the chief and important object of the session will receive, as it demands, our most serious attention.—We are sensible of the magnitude of the trust committed to us by the Federal Con-

stitution, in its assignment to the Legislature of the State the exclusive right and power of directing the mode of appointing Electors. With the regard due to the suggestions of your Excellency, and a just sense of our own responsibility, we shall endeavor to discharge this duty in such a manner as will accord with the opinions and wishes of our constituents and promote the peace and happiness of our common country.

It is a source of deep regret that any unfortunate circumstances should have attached themselves to the Treasury of the Commonwealth. As taxes are laid, and levied by the assent of the People for the necessary support and defence of the Commonwealth, and for the preservation and protection of its inhabitants, a mismanagement of our fiscal affairs, and the unconstitutional application of the publick money to other than the publick use, affect us with the most serious concern.—They tend at once to disturb the tranquillity of every citizen, and to put in jeopardy all our private rights and national blessings. It however affords much satisfaction that every thing which patriotism could prompt or duty warrant has been done to secure us against the various injuries which might have resulted from the unfortunate circumstance to which your Excellency alludes.—Our particular attention will be directed to the communications of your Excellency on this subject.

In the transaction of any publick business which may be our joint and common charge, with our endeavours to promote the welfare of our constituents, we shall study to make as easy and light as possible the weighty cares of your important office.

We cannot conclude without expressions of our personal respect for your Excellency, and an assurance of our sincere wishes for the continuance of your life to your friends and country.

MAY IT PLEASE YOUR EXCELLENCY,

THE Senate acknowledge with gratitude the Divine goodness which has permitted them to convene in health and safety, and proceed to perform the important duties now devolved upon them. They rejoice that the health of your Excellency has been continued, so that you are enabled to aid in conducting the concerns of the Commonwealth, and they earnestly beseech the Author and Preserver of all beings that your life may be prolonged, and that your fellow citizens may derive great benefit from your administration.

We view with deep regret the unhappy situation of our foreign relations. Having during the last session, expressed our sentiments on the measures of the National Government affecting those relations, we indulge the hope that the Representatives of the people in Congress will immediately devise and adopt measures to relieve their constituents from existing embarrassments.

In prescribing the mode of appointing Electors of President and Vice-President of the United States, the Senate have been influenced by a most sincere regard for the great interests of Massachusetts. While adopting a course of executing this high trust, heretofore used in this Commonwealth, and at the present moment practised by many sister States, they feel much satisfaction in the confident belief that they shall have the support and approbation of the great body of their constituents.

The deficiency in the Treasury, arising from an unjustifiable and unprecedented abuse of the confidence necessarily reposed in the late Treasurer, has excited unusual uneasiness and alarm among the citizens of this Commonwealth. Such events are to be deplored, not merely as means by which the coffers of the State may have been robbed of their contents by a sworn publick agent, but as an example of corruption by which the rapacity of ambitious and unprincipled demagogues may be hereafter excited. We shall direct our early and diligent attention to such documents relating to this subject, as you may deem it expedient to lay before us.

As our assembling at this time was more especially for the purpose of appointing Electors of President and Vice-President of the United States, it was our expectation that the present session would be limited to a few days. Such other communications as your Excellency shall think proper to make, we shall receive with respect, and cordially co-operate in accomplishing any business necessary to be transacted at this time to promote the happiness and welfare of our constituents.

RESOLVES.

CCX.

Resolve for repealing a Resolve of March 2d, last, instructing the Senators and Representatives in Congress to procure an amendment to the Constitution of the United States. Nov. 14, 1808.

WHEREAS, it is essential to the administration of Justice, and to a preservation of the principles of the Constitution of the United States, that the Judges of the Court of the United States, be, and remain independent, according to the provisions of said Constitution.

Therefore be it Resolved, That the said resolve passed on the said second day of March in the year of our Lord one thousand eight hundred and eight, entitled a resolve instructing the Senators and Representatives of this State in Congress, to endeavour to procure an amendment to the Constitution of the United States, be, and hereby is repealed, and the instruction therein contained is revoked and annulled.

And be it further resolved, That the Governour be, and he is hereby requested to transmit a copy of this Resolution to each of the Senators and Representatives from this Commonwealth in the Congress of the United States, and also, to the Governour of the State of Vermont, to be laid before the General assembly of that State.

CCXI.

Resolve directing the Treasurer of the Commonwealth to take measures to recover a debt due from Oliver Phelps, Esq. Nov. 15, 1808.

The Committee of both Houses to whom was referred the Treasurer's communication respecting a demand the Commonwealth has against Oliver Phelps, Esq. having attended that business—ask leave to report the following Resolve, which is submitted.

ENOCH TITCOMB, *per order.*

Resolved, That the Treasurer of the Commonwealth be, and hereby is directed to take such further measures for the recovery and payment of a debt due to the Commonwealth from Oliver Phelps, Esq. either by taking a substitute of one kind of security another, or in any other way he shall judge will be most for the safety and interest of the Commonwealth, in expediting the payment of said debt.

CCXII.

Resolve granting Barnabas Bidwell, Esq. Attorney General, Three hundred dollars in addition to his salary. Nov. 16, 1808

Resolved, That there be allowed and paid out of the publick treasury to Barnabas Bidwell, Esq. Attorney General, Three hundred dollars, in addition to his salary, to the first day of March, 1808.

CCXIII.

Resolve granting Jacob Kuhn, Two hundred dollars, to comply with orders. Nov. 17, 1808.

Resolved, That there be allowed and paid out of the publick Treasury to Jacob Kuhn, Messenger of the General Court, Two hundred dollars, to enable him to comply with the several orders which have been passed during this session of the Legislature, he to be accountable for the same.

CCXIV.

Resolve on the petition of Mary Young. Nov. 17, 1808.

On the petition of Mary Young, widow of James Young, junior, of Bristol, in the county of Lincoln deceased.

Whereas, the said James Young, during his life, viz: On the fifteenth day of November, A. D. 1805, by his written agreement of that date, agreed with James Hardy and John Farr, both then of Lewistown, in said county, yeomen, to sell and convey to them the following described tracts of land in the town of Strong, in the county of Kennebeck, viz:

One tract, "being lots number three and number four, upon range number four, being one hundred rods wide each, and three hundred and twenty rods long, to contain four hundred acres more or less." The other tract, "being lot number one, upon range number four, being one hundred rods wide, and three hundred and

twenty rods long, to contain two hundred acres more or less," all of which lands the said Young was to convey to said Hardy and Tarr by deed of warranty on payment and security of the sum of Eighteen hundred dollars, as expressed in their said agreement.

And whereas the said Young died without conveying and executing the deeds of the said lands, and it would be for the benefit of the family of the said Young, that the deeds of conveyance should be executed and completed.

Resolved, That the said Mary Young be, and she is hereby authorized to execute and acknowledge to the said James Hardy and John Tarr, deeds of warranty, of the several lots of land aforesaid, in as full and ample a manner as could have been done by the said James Young, jun. in his life time; and the said Deeds, so executed and acknowledged, may be delivered by the said Mary Young, and shall be as valid and effectual in law, as if executed by the said James Young, jun.

CCXV.

Resolve granting pay to the Clerks of the two Houses. Nov. 17, 1808.

Resolved, That there be allowed and paid out of the publick Treasury, One hundred and fifteen dollars to Nathaniel Coffin, Esq. Clerk of the Senate, and the like sum to Nicholas Tillinghast, Esq. Clerk of the House of Representatives, and Fifty dollars to Samuel F. M'Cleary, assistant Clerk of the Senate in full for their services for the present session.

CCXVI.

Resolve granting the Attorney General, one hundred and twenty dollars. November 17, 1808.

Resolved, That there be allowed and paid out of the publick Treasury to Barnabas Bidwell, esq. Attorney General One hundred and twenty dollars in full for his services and expences, including assistance, in defending a certain suit brought by James Martin against Winslow Parker in the Circuit Court of the United States, in this District, for the recovery of lands, which the said Parker claims and holds by a warranty deed from this Commonwealth, and which suit has been terminated in favor of said defendant, the said services having been performed in obedience to a resolve of the Legislature of the twenty fourth day of Februry A. D. 1808.

CCXVII.

Resolve on the petition of Thomas Eustis, and others. Nov. 17, 1808.

On the petition of Thomas Eustis and others, living in Holmstown plantation, in the county of Oxford, praying that their State taxes for the years 1804, 1805, 1806, 1807, and 1808, may be abated, amounting to fifty six dollars and sixty five cents, for the collection of which, there are now in the hands of the Sheriff of said county, executions for the four first years.

Resolved, for reasons set forth in said petition, that the prayer of said petitioners be so far granted, that said taxes be, and hereby are abated; provided said petitioners cause the amount of said taxes, in addition to their usual annual expense for roads, to be expended upon the roads in said plantation, within one year from the passing this resolve, and that the service of said executions be stayed during said year; also, that the execution for the fifth year, be stayed with the Treasurer for the same term; and in case said petitioners cause said sum of fifty six dollars, sixty five cents, to be faithfully wrought out in making and repairing the roads in said plantation as aforesaid, and certify the same to the said Sheriff and Treasurer, and pay the cost upon said executions, within said year, the Sheriff is hereby directed to return said executions satisfied, and the Treasurer to cancel the aforesaid taxes.

CCXVIII.

Resolved on the petition of Jonathan Munroe and Joseph Nourse. November 17, 1807.

On the several petitions of Jonathan Munroe, and Joseph Nourse severally stating that they are seized of certain lands which had, heretofore been mortgaged to John Murray one of the persons named in an act passed against certain Conspirators, for the payment of certain sums, to the said John Murray, which mortgage money had been paid into the treasury of this Commonwealth in obedience to a certain act made and passed on the secord day of March, in the year of our Lord, One thousand, seven hundred and eighty one, and that actions are brought against them respectively, for the recovery of said lands, by Daniel Murray as administrator with the Will annexed, of the said John Murray; which actions are now pending in the Circuit Court of the United States for this District, and praying for the aid and indemnity of this Commonwealth.

Resolved, That the Attorney General of this Commonwealth, be, and he hereby is authorized to appear in behalf of this Commonwealth in the suits now depending in the Circuit Court of the United States for this District, brought by the said Daniel Murray administrator, with the Will annexed of the said John Murray, against the said Jonathan Munroe, and against the said Joseph Nourse, for the recovery of possession of said lands, and to defend against the said suits, if he shall think it expedient, and to substitute any other persons to aid in the defence of the said suits in his stead, and to do any matter or thing thereto appertaining at his discretion.

And be it further resolved, That his Excellency the Governour, by and with the advice, and consent of the Honorable Council, be and is hereby authorized and requested to issue his warrant on the Treasury for such sum not exceeding three hundred dollars, as the said Attorney General shall apply for, to defray the necessary expences of any of the services hereby required, for which sum the said Attorney General is to be accountable.

CCXIX.

Resolve granting Sylvanus Lapham one dollar per day. November 18, 1808.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth unto Sylvanus Lapham, assistant to the Messenger of the General Court, one dollar for each and every days service during the present Session, over and above his ordinary allowance.

CCXX.

Resolve respecting payments from Tompson J. Skinner late Treasurer and his Bondsmen. November 17, 1808.

Resolved, That the Treasurer of this Commonwealth, be and hereby is authorized to receive of the bondsmen of Tompson J. Skinner late Treasurer of the Commonwealth, any sum or sums of money, which may be offered him of not less than five thousand dollars at a time, in part payment of the balance due from said Skinner as Treasurer; and to give such receipts therefor, with condition that such payments shall not operate against any suit, or suits, which have been commenced by the Commonwealth against said Skinner, as their late Treasurer, and his Bondsmen; or to prevent obtaining judgment thereon for the recovery of the money.

due to the Commonwealth for the balance aforesaid. *Provided*, all payments be made either in specie, or Bills of the Boston Bank:

CCXXI.

Resolve for paying the Electors of President and Vice-President of the United States. November 17, 1808.

Resolved, That there be allowed and paid out of the Treasury of the Commonwealth to the Electors of President and Vice-President of the United States, the same compensation for their travel and attendance as the members of the Legislature are entitled to receive for their travel, and attendance at the General Court.

CCXXII.

Resolve granting Samuel Emerson, Surgeon, One hundred dollars. Nov. 17, 1808.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, the sum of One hundred dollars to Samuel Emerson, as surgeon of the 6th Regiment, 1st Brigade, 6th Division of the Militia. *Provided* the above sum is received in full for medicine and attendance on Isaac Burnham, a private, who was wounded in returning from a military muster.

CCXXIII.

Resolve to pay Thomas Walcutt for extra service in the recess of the General Couut. November 17. 1808.

Resolved, That forty two dollars be granted and paid out of the Treasury to Thomas Walcutt in full for writing done for the House of Representatives in the recess of the Legislature, according to his account herewith exhibited.

CCXXIV.

Resolve on the petition of the Selectmen of Orrington. November 17, 1808.

Resolved, that the Sheriff of the county of Hancock be, and he is hereby directed, to return unsatisfied, an execution issued by the Treasurer of said Commonwealth, on the seventh day of September last, against the inhabitants of the town of Orrington in

said county, for the sum of two hundred and fourteen dollars, and sixty six cents, being the proportion of that town in the state tax, for the year, eighteen hundred and six ; and that the Treasurer be, and he is hereby directed, not to issue any alias execution, for the levying of said sum, until the first day of September next. And the present Assessors of said Orrington, are hereby authorized and directed, to assess the said sum upon the inhabitants of said town, according to the rules prescribed in the tax act, passed in March, 1806 ; and to commit such assessment to the Constable or Collector of said town, together with a warrant in due form of law, directing the said sum to be paid into the Treasury, on or before the said first day of September next.

CCXXV.

Resolve granting three hundred dollars to the Solicitor General for expenses. November 17, 1808.

Resolved, That there be, and hereby is granted to be paid out of the Treasury of the Commonwealth to the Solicitor General, such sum of money, not exceeding three hundred dollars, as may be necessary to pay the costs of prosecutions commenced, or to be commenced, against Tompson J. Skinner late Treasurer of the Commonwealth, and his Bondsmen, for recovering the deficiency of the money belonging to the Commonwealth, while said Skinner was their Treasurer. The Solicitor General to be accountable for the money he shall so receive.

CCXXVI.

Resolve to pay the assistant Clerk of the House of Representatives November 18, 1808.

Resolved, That there be granted and paid out of the publick Treasury, fifty dollars to Thomas Walcutt in full for his servises as assistant Clerk to the House of Representatives, the present session of the Legislature.

CCXXVII.

Resolve granting thirty five dollars to David Smith, Representative, for travel and attendance this session. Nov. 18, 1808.

Resolved. That there be allowed and paid out of the Treasury of this Commonwealth, to David Smith, Representative from Granby,

nineteen dollars for his travel, and sixteen dollars for his attendance at the present session of the General Court ; and the Governour is requested to draw his warrant on the Treasury for the payment of said sumis accordingly. And the Treasurer is directed to charge said sum of sixteen dollars to said town of Granby, to be added to their proportion of the next State tax.

CCXXVIII.

Rslove to pay Jephthah Ripley, twenty eight dollars for his pay as a Representative. Nov. 18, 1808.

Whereas Jephthah Ripley, Member of the House of Representatives from the town of Oakham, has attended eight days during the present session, and his travel is sixty miles, amounting for his said travel and attendance, to twenty eight dollars ; but by mistake, he was not borne on the pay roll, therefore

Resolved, That there be paid to the said Jephthah Ripley, twenty eight dollars, out of the public Treasury, in full for his said travel and attendance, at the present session of the Legislature ; and his Excellency is requested to grant a warrant on the Treasury in his favour, for that sum, and the Treasurer is directed to charge the town of Oakham with sixteen dollars, part of said sum, to be added to the proportion of said town in the next State tax.

CCXXIX.

Resolve for raising a Company of Artillery in the town of Lynn. Nov. 18, 1808.

On the petition of Ezra Mudge and others, praying for the establishment of a company of Artillery in the town of Lynn. *Resolved*, That the Governour with the advice and consent of council, be requested, and they are hereby authorized to establish an Artillery Company in the town of Lynn, to be raised by voluntary enrollement, within the fourth Regiment, in the second Brigade, and in the second Division of Militia of this Commonwealth, and the said Company of Artillery when raised, shall be attached to, and form a part of the Battalion of Artillery in said Division.

Provided, however, That no standing Company in said Regiment, shall be reduced to a less number than sixty four privates ; and that none of said Company of Artillery shall be taken from any Troop of Cavalry, or Company of Light Infantry, which are established in said fourth Regiment ; and that the said Company of Artillery shall be subject to all such rules, regulations, and restric-

tions, as are or may be provided by law, for the Government of the Militia of this Commonwealth.

CCXXX.

Resolve on petition of Samuel Palmer and Ebenezer Clifford.
Nov. 18, 1808.

On the petition of Samuel Palmer, and Ebenezer Clifford, inhabitants of the State of New-Hampshire.

Resolved, That for reasons set forth in their petition, the said Palmer and Clifford be, and they are hereby authorized to obtain at their own expense, such ordnance, and other articles, being the property of this Commonwealth, as now lays sunk in the bottom of Penobscot river, and they, the said Palmer and Clifford, shall be entitled to all property of the kind described, which they may obtain and recover in one year from this date.

CCXXXI.

Resolve on the petition of Joseph Stone. Nov. 18, 1808.

On the petition of Joseph Stone, of Harvard, in the county of Worcester, praying for a prolongation of the time allowed him, by a Resolve passed March the first, A. D. 1808, for the payment of an execution which had issued against him, on his bond of recognizance, at the Supreme Judicial Court, at Worcester, for the sum of five hundred dollars, for the appearance of one Isaiah Parker.

Resolved, That execution be stayed for the term of one year, from the expiration of the nine months allowed to said Joseph Stone, by the resolve aforesaid: *Provided*, that such security be given to the Sheriff, who holds such execution, as he shall deem sufficient to ensure the payment thereof at that time.

CCXXXII.

Resolve on the petition of Benjamin Lee. November 18, 1808.

On the petition of Benjamin Lee, of Cambridge, in the county of Middlesex, praying the Commonwealth to take on itself the defence of a certain suit, brought by Esther Sewall of Montreal, in the Province of Lower Canada, and widow of Jonathan Sewall, late Attorney General of the King of Great Britain, in the late Province of Massachusetts Bay, to recover dower in certain real estate situate in Cambridge; which estate was conveyed by this Com-

monwealth, with warranty, to Thomas Lee, deceased, under whom the said Benjamin Lee is now seized of the same estate, for his life.

Resolved, that the Attorney General and the Solicitor General of this Commonwealth, or either of them, be, and hereby are authorized, and required to appear on behalf of the Commonwealth, in the suit now depending between the said Esther Sewall and Benjamin Lee, and defend against the claim of said Esther Sewall, if they, or either of them, shall think it expedient.

And be it further resolved, That His Excellency the Governour, by and with the advice and consent of the Honourable Council, be and he hereby is authorized to issue his warrant on the Treasury, for such sum not exceeding fifty dollars as the said Attorney General or Solicitor General shall apply for, to defray the necessary expenses of any services hereby required; for which sum, the said Attorney General, or Solicitor General receiving the same is to be accountable.

CCXXXIII.

Resolve granting William Tudor, Esq. Secretary of the Commonwealth, four hundred dollars for the payment of Electors of President and Vice President of the United States. Nov. 18, 1808.

Resolved, There be allowed and paid out of the publick Treasury, to William Tudor, Esq. Seeretary of the Commonwealth, the sum of four hundred dollars, by him to be applied to the payment of the Electors of President and Vice-President of the United States, in conformity to a resolve of the fifteenth instant: for which sum he is hereby made accountable to the General Court at their next session.

CCXXXIV.

Resolve for paying the Members of the Council and Legislature. Nov. 18, 1808.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to each of the members of the Council, Senate, and House of Representatives, two dollars per day, for each days attendance, the present session, and the like sum for every ten miles travel from their respective places of abode, to the place of the sessions of the Legislature.

And be it further resolved, that there be paid to the President of the Senate and Speaker of the House of Representatives, each two dollars per day, for each and every days attendance, over and above their pay as members.

RESOLVES,

Of the General Court of Massachusetts,

PASSED AT THE SESSION BEGAN AND HELD, AT BOSTON, ON
THE TWENTY-FIFTH DAY OF JANUARY,
IN THE YEAR OF OUR LORD, ONE THOUSAND EIGHT HUNDRED
AND NINE.

LIEUT. GOVERNOUR'S SPEECH.

REPRESENTATIVES' CHAMBER, JANUARY 26.

At 12 o'clock, agreeably to assignment His Honour the Lieut. Governor, preceded by Mr. Bell, Deputy Sheriff, and accompanied by the Council, met the two branches, and delivered the following

SPEECH :

GENTLEMEN OF THE SENATE, AND

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

THE peculiar circumstances, under which we have assembled, call for a serious direction of our thoughts to that Being, in whose hands are the destinies of men and nations. The aspect of our publick affairs imposes on all the duty of patience and circumspection, in their investigations and their actions. Our best exertions, for the general welfare, are now necessary. The known patriotism of the People of Massachusetts is a pledge for the display of these virtues, on every publick emergency. How far existing, or threatened, evils may be provided against, or endangered rights be secured, by any agency constitutionally confided to their State Legislature, are, at the present moment, considerations of the most interesting nature.

That afflicting Providence, which has deprived you and your fellow citizens of the assistance and experience of him who was selected, by their suffrages, to discharge the important duties of Chief Magistrate, can be felt and lamented by none more sincerely than by myself. This event having constitutionally devolved on me these duties; as a substitution to his talents and his experience,

you may rest assured, for the residue of the year, of my solicitude, assiduity and best endeavours to promote what, from my own convictions, shall appear most conducive to the good of the whole. On this occasion, to repeat the prescribed oaths, which I have already taken, would be but the avowals of my political sentiments. The national and the State Constitution contain them. The fair and obvious construction of these instruments, in the sense in which I shall be convinced they were intended to be understood, will furnish my rule of action, wherever they can apply. The outlines of our respective relations and duties are there to be found. My inexperience in legislative business, will, I fear, be thought too often to call for your indulgence and candour. If instructed by the Constitution and the Law, and sincerely aiming to adhere to their provisions, and to advance the general interest and harmony among the citizens, there should unhappily be a difference of opinion between the different departments of Government, as to means or their application, it can be no just cause of uneasiness or distrust among us.

The New England States have been represented, to their injury and to the injury of the United States, as distracted with divisions, prepared for opposition to the authority of the law and ripening for a secession from the Union.—Anxieties at suggestions or apprehensions of this kind have been expressed on the floor of Congress. Such suggestions we trust are unfounded. Our enemies alone could have made them. It is to be lamented that any colour has ever been furnished for such alarms. It cannot be concealed that in this State, existing difficulties and the apparent indications of greater ones have produced instances of excitement, violence and indiscretion, which form serious claims on our attention. Could Legislators be agreed, all would be tranquilized from without. Would not such an achievement be worthy an united effort and reward the labours of a whole session? The times call for union, confidence and mutual forbearance and accommodation. Will not a recollection of some prominent principles and facts in our history, with a Legislative example have this tendency, among our citizens. May we not avail ourselves of this opportunity to review, in a summary manner, the situation in which we are placed and the dangers to which we are exposed.

If ever a forgetfulness of past dissensions and joint efforts, for the common interest, were necessary, they are so at this moment. Will not each citizen determine for himself, that no personal gratification shall stand in the way of any arrangement, which will concentrate the general will and direct its strength for our country's safety. For one I am prepared for this measure of accord and devotion to the exigency of the crisis or my heart deceives me. Union is every thing; it is our strength, our numbers, our resources.

If we must have conflicts, let them be with foreign enemies. If war, let it be by the whole people, as one man, in defence of their violated rights. Let not a particle of our means be wasted in party or individual contentions.

It cannot be necessary nor would it be beneficial to review in detail the continued and aggravated injuries and insults, which have been heaped upon us by the warring powers of Europe. The aggregate of our wrongs have been great indeed. The counter-vailing measures of our National Government produced by these aggressions are generally known. The recent communication of Publick Documents and the able and repeated disquisitions on these topicks, as published to the world, explain principles and facts beyond the utility of further elucidation.

Although our commercial intercourse and national defence is, from necessity and the soundest policy, confined to the United States, yet it is not unbecoming any member of the Union, to add its concurring energies to national measures or, with fairness and moderation, to question their justness, or policy, while they are pending and ripening for adoption. But with Governments as with individuals, there are stages when questions can no longer be usefully open to controversy and opposition. Stages when an end must be put to debate and a decision thence resulting be respected by its prompt and faithful execution, or Government loses its existence and the people are ruined. Are we not in this stage of the great questions of foreign aggressions, Embargo, non-intercourse, national defence and other means of safety deemed necessary, by those entrusted with the final disposal of these objects? A balanced Government and its authorities, capable only of executing the deliberate volitions of a real majority of the citizens, constituted and directed by known and fixed principles, established by and proceeding from themselves, is so safe, so reasonable, and so beyond every thing else, essential to their own liberty and happiness, that its hazard or interruption cannot be contemplated but with distress. To such a government foreign nations, with the unprincipled and desperate, may be hostile, but our virtuous citizens, sensible of its blessings, will yield to any sacrifice for its support. At no times has its administration, however wise and happy been satisfactory to all our citizens. This was not to be expected. Its impartiality, justice, forbearance and pacifick policy have been no security against violence, injustice and depredation on our rights of person, property and sovereignty by the belligerents. Acts of insult, rapine and plunder, have been multiplied upon us and pressed us to the very wall. Does further retreat and much further forbearance consist with the spirit and genius of Americans? Yet we trust the continuance of peace, with its inestimable blessings is not

altogether hopeless. The aggressing nations may yet be made to listen to the dictates of their own interest and spare us the dreaded calamities of war. If not, there is a point, in national sensibility, as in the feelings of man, where patience and submission end. Beyond this is degradation, destruction and death. This point is when suffering forbearance involves a surrender of honour, property and the power of self-government. How near we have approached to this period, or how fast we are approximating, is not for us to determine. Such considerations ought with confidence, as they may with safety, remain where the Constitution has placed them. Congress with an united people may still avert the threatened evil. Pacifick wisdom may yet be better than weapons of war. And should it become necessary to cast the die, we may be assured our Representatives, participating in all the trials, burthens and sufferings imposed on others, will not incautiously precipitate the throw. Whence then the causes of jealousy, distrust, altercation and bitter aspersion of some of our citizens? Whence then the ever to be regretted indiscretions, suddenness and individual rashness, that have denounced our national government and wounded our own? Under a general pressure, however necessary, excitements are easily produced. The effects of national measures have fallen and will fall more severely on some descriptions of citizens and portions of the community than others. This is unavoidable. Ship owners and the New-England States may have been the greatest sufferers. But a necessary inequality, in the effect of measures, furnishes no objection to their justice or their policy. All agree something was necessary to be done. Had other measures been adopted, they probably would but have produced another description of evils, not have diminished the aggregate. It was not to have been expected that the United States could be exempted from disasters, when causes were in operation, which have involved half the world in the greatest. We in some measure know the effects of past arrangements, but can never know what would have been the results of different ones. If our privations have preserved a portion of our property, our peace and the opportunity of yet selecting between alliances, peace and war, are we certain the price has been too great? It has been the unenviable and arduous task of our rulers to collect the diversified sentiments of their constituents, on facts, and to assimilate and concentrate them, as far as possible, to an according system, predicated on the prevailing opinion. By what other principle; by what better rule can society act? If the degree, the kind, and the time for action must wait for unanimity, our rights would never be defended and our country would be ruined. By the voice of the majority alone can society exist for a moment. To oppose it is to oppose a vital movement of the body politick. To triumph over it, is

to conquer ourselves and render us a prey to any and every invader. A government of the minority is a government of anarchy and confusion, a dissolution of all principle and of all authority. Who can contemplate such a state of things but with horrour? Who can lend it even his silent countenance? Are not liberty, safety and property, our dearest rights and dearest enjoyments, the creatures of law, upheld by its power and rendered sacred by its energies? If government languishes and falls, will not these blessings languish and perish also? Who does not know, in the range of excited passions, broken loose from legal restraints, property is often fatal to its owner, virtue to its possessor, and family blessings an invitation to the hand of the destroyer? When beholding in the mirror of past times and distant ages the black and frightful atrocities of furious and ungoverned men, amidst the wrecks of civil establishments, will not thoughtfulness, in the language of our departed patriot, "*frown indignantly* upon the first dawning of every attempt to alienate one portion of our country from the rest, or to enfeeble the sacred ties which now link together its various parts"? Frown upon every suggestion of a non execution of the law, resistance or abandonment of the union! Such suggestions are not less a libel upon the morals and understanding of the great body of the New-England people than on their patriotism. Their character is not marked with propensities to outrage, disorder and blood. Such a reproach must be repelled. Our citizens may differ on the necessity and wisdom of existing or projected measures; but for support of their government, their rights and their independence the majority is immense.

Will not the advocates for town meetings, the authors of resolutions, be induced calmly to weigh the spirit and principles of their opposition and to reflect further on the tendency of their measures? Are they prepared to pull down the splendid edifice erected by the wisdom and valour of their fath'rs and to bury themselves under the ruins of Liberty? Are not all their privations and sufferings notorious to their rulers and from necessity yielded to, with parental sympathy and painful sensibility? While a large majority of the people of the Union, of their national representatives, of the state Legislatures, of their towns and counties, seriously believe that the existing measures are essential to our safety and the best for the whole, can their opposers wish them to be abandoned and a surrender of the government into their hands? And will they yield it, in turn, to other towns and sections of the country, that may make a similar claim? Would they wish in these perilous times to see our peace, liberty and social blessings at the feet of a party? Would they wish to break those ties which unite all to the common centre, a deposit for the publick opinion, publick confidence and publick

power? Such a secession from the salutary conceptions of our Constitutions and the fundamental principles of our government would be more to be deprecated and out-weigh in mischief the most exaggerated evils of the embargo.

The cultivated reports that the Administration and the Southern people are hostile to commerce and unfriendly to the Eastern States, are calculated to produce uneasiness, jealousies and dissensions. The evidence of such facts I have never seen. My convictions, under some advantages for observation, have been otherwise. I question not the sincerity of the opinion of others. The principles and the publick conduct of our rulers are the fair objects of a manly and publick spirited scrutiny, for the purposes of merited censure or approbation, their continuance or removal from office in the prescribed forms. The proofs of their talents, zeal and labours to serve and render their country great and happy, are before the publick. Their discussion with truth and fairness, would be salutary and agreeable to the genius and spirit of our government. But misrepresentations, groundless suspicions, violent and indiscriminate abuse, unless checked, must end in opposition to the law, a contempt for its authority, and distracted breaches of the publick peace.

If legal animadversions on incendiary and libellous publications would be thought by some, dangerous to the liberty of speech and the press; a strong public opinion, favourable to government, would be equally efficacious to its authority and to discountenance its opposers.—Shall such aid be withheld? Or must false views, mistakens and groundless alarms, indicative of extreme distrust and danger from the Representatives of our own election, the Government of our own choice, hurry virtuous and well meaning men into acts pregnant with awful consequences? It is said measures are unnecessary, unconstitutional, oppressive and tyrannical. Is it certain this is correct? Are citizens in the streets, in town meetings, in multitudinous assemblies, citizens pressed with deep personal interests and excited from erroneous conceptions, capable of deciding on great, complicated constitutional questions? Hence our peril. Hence distraction and confusion in society. Hence encouragement to the enemy. Are such citizens more worthy of confidence than their rulers? Are they better instructed or do they possess higher means of information? Are our rulers blinded by their interests or impassioned by their sufferings? They decide against their interests, and their sufferings are in common with their constituents.—Are they actuated by prejudice or stimulated by resentments? They have nothing personal. Their insults and injuries have been the insults and injuries of their country. What then is to be done? States, towns and individuals have their fa-

vourite projects. The Union have theirs.—Thus jarring, are we, with augmented resentments, to rush together in ruinous collisions ? Are we with mutual hatreds to rend asunder the bands which have united us ? To throw from our vitals the shield which protects them ?

A good government is Heaven's richest gift. Past events will shew the worth of ours. Calamities formed and introduced our federal Constitution. Its adoption, the desired and long suspended hope of our citizens, was hailed and truly hailed as the salvation of our country. Experience has exalted its value, and disclosed more and more, its practical excellencies. It is worthy the wisdom and labours of its authors, and merits every sacrifice for its preservation. Our history which preceded its adoption furnishes examples, which are fraught with admonitions. Our Government was humbled and inefficient. Our Union a thread. Our Commerce unregulated and unprotected. Our revenue nothing. Our faith perfidy. Our credit bankruptcy, and our privations the want of every thing. Individuals were embarrassed ; grievances complained of—our rulers censured, town and county resolutions published, combinations formed, a non-compliance with the law announced—Government opposed, property sold for one third its value, tender laws made, the insolvent imprisoned, and our courts of justice stopped. But Government must then be supported and its laws be respected. Troops were detached, armed men patroled our streets and we saw them with a joy inspired by the idea of protection and security, from the execution of the law and the energies of its officers. Is the preventative against all these and worse calamities now to be abandoned and these and worse ones to be invoked to afflict us.

Should the northern, the middle, or the southern states, should Virginia, or could Massachusetts, any of her towns or citizens, dictate measures to Congress, and by opposition or a convulsed state of things force their adoption. Then indeed, would one state have obtained a disastrous triumph over the United States. Then we should have conquered the union, then should we have prostrated its government, and have trampled under our feet the last reserve of national power. Could the opposition prevail, a part coerce the whole, our rights and our strength would be scattered to the winds. As a nation we should perish, as freemen be lost.—Our palladium, our ark, our national bulkwarks would be shattered and broken to atoms. Then might their fragments *float* by the *licences* of our enemies. Then might we single handed meet the crisis and buffetting the destruction threatened from the deep, conflict with the clouds above, which, in angry collision are ready to break on our heads. But this can never be.—Society is yet strong.

Americans virtuous and enlightened, Americans steady and determined, will continue their confidence in their efforts.—They will rally around the national constitution, cling to their government, and should it be driven to the edge of a precipice, keep their hold in the extremity of its exit and sink with it into the awful abyss.

The important and the interesting and perilous nature of the crisis, has compelled me thus long, to dwell upon it, and to hope from the wisdom of our legislature, some reconciling expedient, to quiet the agitated minds of our citizens.

Is it the idea that there are no dangers ; that it can be said thus far shall the incitement come and no farther, and here shall its effects be stayed ? Let us not be deceived. This is the prerogative of God alone. Are we ripe, are we prepared to proclaim to a suffering and an enslaved world, that unhappy man has made his last disposing effort for the support of a free government ; that the most promising experiment has so soon failed—that liberty, the legitimate offspring of law, the favorite child of government, has been expelled its hoped for resting place, driven from its last retreat, and banished the world ? Can we not wait with magnanimous patience, and endure privations a few months longer, and give to government *one* fair, unimpeded experiment of their measures on foreign nations ? will not the evils and the objections from existing measures lie as strong against non intercourse, war, or any other arrangement for national defence ? Are we ready to surrender all, to export our government with our produce, and to import foreign despotism with foreign goods ? The farmer's merchandize and his ships are in the country—mine are there, and I should rather sink them than government should be sunk. Without government they are not mine ; nor family nor personal protection, nor the opportunity of future acquisitions, or future happiness.

At all times it is pleasing to contemplate the patriotism order and discipline of our militia, to which the constitution looks with confidence for the defence of our country. The last autumnal reviews have been spoken of with pride by gentlemen of military skill. An establishment so safe so economical, so preferable to a standing army, in time of peace, can never want the patronage of a provident legislature. So long as this system shall be deemed susceptible of improvement, it will be the favourite object for the labours of the representatives of a free people. I am not sufficiently conversant with the principles or details of military arrangements to decide on their defects or to point out their remedies. To legislators of military science and experience this subject peculiar addresses itself. They will know whether there is the greatest aptitude and efficacy in all its parts and whether it is capable of moving and being moved, in harmony, without mortifying delays or dangerous collision.

An evil of magnitude is spreading its calamitous effects over every portion of our Commonwealth. The accumulation of depreciated and counterfeited bank bills, with all their fraudulent and demoralizing action on society and the habits of individuals, are not, perhaps, less to be deprecated than a temporary suspension of a foreign market, for the produce of our farms. The impositions practised, the inability to lose what had been honestly taken, the temptation to pass, with the frequency of doing it, and the impunity with which it may be done, are fast breaking down the moral sense and eradicating from the minds of the citizens, that sublime reverence for justice, those lively repulsive principles to fraud, which are the ends, the fruits and perfection of moral cultivation. The spurious and the genuine are indiscriminately passed under the false apology that they were honestly received and that the bad are not certainly known to be such. Indeed, a knowledge of the characteristicks of the various bills, of all the banks, in this and the neighbouring States, circulating among us, is a science too nice, extensive and complicated for the great body of our citizens to learn. Will it not be an object worthy the attention of the Legislature, to protect their constituents against so serious a depredation on their property and morals? Would not the confining banks to a compliance with the express or implied principles of their respective institutions, and obliging them all to issue bills of the same figure and device, with the exclusion from circulation of all foreign bills, which should not be issued in conformity to such a system, cure very many of the evils? To the experience and providence of the Legislature our citizens look for a remedy.

No crisis should arrest the progress of the Arts and Sciences or stay the fostering hand of improvement. Our most considerable societicks, for these purposes, were to the honour of their founders and our country, established during our struggles for national existence. Are not the meritorious examples of encouragement given to manufactures, in the other States, worthy the imitation of this especially of an adjoining one, which, under the liberal auspices of a publick spirited citizen, is becoming famous for the manufacturing of woolen cloth, from a superiour and an improved breed of imported sheep. Would it not be useful to countenance mechanical improvements and fabrications, by exemptions from taxes and by extending the principles of our laws, respecting the overflowing of lands by grist and saw mills, to cotton factories and other labour saving machines, depending on water courses for their movements? Would not the proceeds of the sale of a few Eastern townships, vested in a society, as a perpetual fund, for the promotion of manufactures, charged with the appropriation of its interest, in premiums and other encouragement to ingenious manufacturers, be seed

sowed in good ground, which would produce, to the present and succeeding generations, an harvest of an hundred fold ?

Facilities to husbandry, commerce and manufactures are good roads. Most of our great ones are now in such convenient and unalterable directions, as will probably command an increasing travel for centuries yet to come. Would not a law protecting and encouraging individuals to border them with trees give ornament to the country, comfort and refreshment to the traveler, fuel to the planters and gratification to all.

To cherish the interest of literature, the sciences and their seminaries, especially the University at Cambridge, publick schools, private societies and publick institutions, rewards and immunities for the promotion of agriculture, arts, sciences and manufactures, cannot be less a compliance with the inclinations of a Legislature of Massachusetts than with that duty which is, at all periods, made binding on it by the constitution under which it acts.

The particular state of our militia, ordnance, military stores and supplies will appear from the detailed report and returns of the Adjutant and Quarter Master General, which shall be communicated by special message so soon as they shall be prepared.

Gentlemen of the Senate, and

Gentlemen of the House of Representatives,

For your patience and indulgence accept of my sincere acknowledgements, and may that wisdom which is from above, which is profitable to direct, gentle and easy to be entreated, lead in our councils and govern our conduct through the session.

LEVI LINCOLN.

ANSWER OF THE SENATE.

MAY IT PLEASE YOUR HONOUR,

WHILE the Senate lament the solemn dispensation of Divine Providence which has deprived the Commonwealth of its Chief Magistrate, they earnestly beseech the Father of Lights to endue you with wisdom to discern, and fidelity to pursue the path of duty, in the discharge of the high and responsible trust, which in consequence of this event, the constitution has devolved upon you. Assisted in council by men distinguished for their talents, experience and integrity, we trust, that while they will share with you the responsibility, their advice will have a proper influence in the direction of the measures of the executive department.

Deeply impressed by the perilous and distressing aspect of our publick affairs, we assure your Honour of "our best exertions for the general welfare."

We are happy to accord with you "that our enemies alone could have represented the New England states as prepared for opposition to the authority of the law, and ripening for a secession from the union." We believe with your Honour, that "such suggestions" in regard to New England "are unfounded." "It cannot" indeed "be concealed that in this state existing difficulties, and apparent indications of greater ones," have, as in a former memorable period of our history, roused the spirit of our citizens; but we trust with your Honour "that their character is not marked with propensities to outrage, disorder and blood." On the contrary that as they correctly understand their duties, they will steadily, and resolutely maintain their rights.

The people of New England perfectly understand the distinction between the Constitution and the Administration. They are as sincerely attached to the former as any section of the United States. They may be put under the ban of the empire, but they have no intention of abandoning the union. And we have the pleasure explicitly to declare our full concurrence with your Honour, "that such suggestions are not less a libel upon the great body of the New England people, than on their patriotism."

As the government of the union is a confederation of equal and independent states with limited powers, we agree with your Honour "that it is not unbecoming any member of the union with firmness and moderation to question the justness or policy of measures while they are pending and ripening for adoption," and we learn with concern from your Honour, "that there are stages

when questions"—without even excepting questions involving unalienable rights—"can be no longer open to controversy and opposition"—"stages when an end must be put to debate and a decision thence resulting be respected by its prompt and faithful execution, or government loses its existence and the people are ruined."

Even if your Honour's principle were correct, can it be imagined that "we are" (as your Honour is pleased to intimate) "now in this stage, on the great questions of non-intercourse and national defence?" These measures are "still pending and ripening for adoption." Is it then "unbecoming" for this state to question their "justness or policy?"

But with great deference to your Honour, we apprehend that this principle, if carried into effect, would render our free government a despotism, and bring inevitable "ruin upon the people." If we apply it, to one of the cases mentioned by your Honour, the Embargo, the principle will present itself in some of its deformity. It is well known that the act, imposing the Embargo passed the Senate of the United States in the space of a few hours, and passed all the forms of legislation in four days, after that measure was recommended by the President.

The people of this State, therefore, could not by any possibility have had an opportunity "to question its justness or policy," and even Senators, in Congress, were not allowed the time they requested for that purpose—And are the people of Massachusetts to understand, that "a decision" of this nature, "must be respected by its prompt and faithful execution?" that it is too late for them to question its "justness or policy?" Are they to believe that the "Stage" has passed and that indeed nothing remains for them but quiet submission? We owe it to ourselves and to the people distinctly to deny this doctrine, at once novel and pernicious.

An administration may become corrupt, but the people will remain pure. We are therefore constrained with great respect, to express our mingled regret and astonishment, that your Honour should seem to doubt the capacity of the people to decide on questions involving their unalienable rights. Your Honour is pleased to ask "if citizens in the streets—in town meetings—in multitudinous assemblies, pressed with deep personal interests are capable of deciding on great complicated and constitutional questions?" and to observe that from hence our peril.

May we be permitted to ask, who shall decide when the publick functionaries abuse their trust?—We need not inform your Honour, that the meetings to which you allude, have been attended by men second to none in the United States for their legal and politi-

cal knowledge—for their love of order—and for their patriotism :—many of whom have grown grey in the publick service and confidence—many of them now holding high and important offices in the state : and that these meetings have been conducted with great order and decorum.

Can such assemblies of the citizens merit censure in a republican government ? But you will please to permit us to remark, that your animadversion upon these meetings, appear the more extraordinary, because in another part of your communication, your honour is pleased to observe, “ that it had been the arduous task of our rulers to collect the diversified sentiments of their constituents, and to assimilate and concentrate them as far as possible to an according system predicated on the prevailing opinion”—a measure indeed very proper, but which could only be effectual, by the free interchange of opinion, and those very meetings of the citizens, from which your Honour seems afterwards to apprehend so much danger. Your Honour may be assured that we “ question not the sincerity of the opinion” which you have been pleased to intimate, of the incapacity of the people—But you will permit us to declare, that upon their knowledge of their rights and duties, and the firmness and perseverance in maintaining them, our hope is placed. They will ultimately form a just decision. Hence our ark—not “ our peril.”

We beg leave to observe, that those rights, which the people have not chosen to part with, should be exercised by them with delicacy—only in times of great danger—not with “ distraction and confusion”—not to oppose the laws, but to prevent acts being respected as laws, which are unwarranted by the commission given to their rulers. On such occasions, passive submission would on the part of the people, be a breach of their allegiance, and on our part treachery and perjury. For the people are bound by their allegiance, and we are additionally bound by our oaths to support the Constitution of the State—and we are responsible to the people, and to our God, for the faithful execution of the trust.

But your Honour is pleased to observe, that “ the union have their favourite projects—states, towns and individuals have theirs” and to inquire whether “ thus jarring with augmented resentments, we are to rush together in ruinous collisions.”

Can it be necessary to remind your Honour that the aggressor is responsible for all the consequences, which you have been pleased so pathetically to describe ? That the people have not sent us here to surrender their rights but to maintain and defend them?—and, that we have no authority to dispense with the duties thus solemnly imposed : Your Honour has described “ the calamities which introduced our federal constitution,” with great truth.

"Our government was humbled and inefficient—our union a thread—our commerce unregulated and unprotected—our revenue nothing—our faith perfidy—our credit bankruptcy—our privations the want of every thing—individuals were embarrassed," &c. "and our courts of justice stopped, &c."

Can it be necessary to remind your Honour, that the administration of Washington, produced precisely the reverse of the picture which you have been pleased to draw so much to the life?

And will you permit us to ask in our turn, but in your Honour's words, " whence then the causes of jealousy, distrust, altercations and bitter aspersion" of that great and good man, and upon all who were attached to his measures ? " Whence the ever to be regretted indiscretions, suddenness and individual rashness which denounced" an administration, that safely guided the people to prosperity and glory, amidst great and impending dangers ? Were these calumniators " more worthy of confidence," " better instructed," or did they " possess higher means of information"—were they less " blinded by their interest," less " actuated by prejudice or stimulated by resentments" than the political saviour of his country and his compatriots ? Whence then " the misrepresentations, groundless suspicions, violent and indiscriminate abuse" thrown upon men who had a right to call for " union" in support of their measures—upon men who had given to the publick " the proof of their talents, zeal and labours to serve and render their country great and happy?"

But the present administration, although aware of the " effects of past arrangements," had not the wisdom or magnanimity to adopt them. They have ventured upon new expedients—and are responsible to their country for the distressing " results."

Your Honour is pleased to inquire " if we could not wait with magnanimous patience, and endure privations a few months longer, and give to government one fair unimpeded experiment upon foreign nations ?"

The administration has indeed been " pressed to the very wall," and we know not how much " further" they would " retreat" if they could.

But may it please your Honour, we have seen as little of " spirit" as of policy in the embargo system—We know that the Emperour approves, if he did not dictate the measure—We know that Great-Britain receives immense advantage from the surrender to her of the whole trade of the world—and we cannot imagine why the people should be called upon to " endure privations" any longer unless the administration, having failed to operate on the fears or interests of the " warring powers," expect ere long to obtain some relief from their compassion.

We most heartily concur with your Honour, "that there is a point in national sensibility, as in the feelings of men, where patience and submission end." And when that crisis shall arrive, your Honour may rest assured that the people of New-England "will (as you have been pleased to say) rally round the national constitution." But, Sir they will not "cling" to an administration which has brought them to the brink of destruction---they will not "keep their hold in the extremity of its exit," nor "sink with it into the frightful abyss." No, Sir! The people of Massachusetts will not willingly become the victims of fruitless experiment.

We shall be ready at all times with you "to cherish the interests of literature, especially the University at Cambridge": and the sentiments which your Honour is pleased to advance, that "no crisis should arrest the progress of the arts and sciences," meets our concurrence.

We shall endeavour to find a remedy for the "accumulation of depreciated and counterfeit bank bills," to which your Honour has been pleased to call our attention.

Touching the Militia---we cannot conceal our regret, that the administration of the general government has not discovered that dependence upon "an establishment" which your Honour is pleased to observe is "so preferable to a standing army in time of peace" and to which the Constitution looks with confidence for the defence of our country."---We regard that institution at once with pride and with confidence---and we agree with your Honour that it "can never want the patronage of a provident legislature": surely not in times of peril like these. Your Honour was pleased to anticipate a difference of opinion, but we beg you to "rest assured of our solicitude, assiduity and best endeavours to promote what from" our "own convictions shall appear most conducive to the good of the whole." And we join with your Honour in the wish that the "wisdom which is from above, which is gentle, and easy to be entreated," may "lead in our councils," but we fervently pray moreover, that not only our conduct, but that of the general government, may be directed by that wisdom, which is also pure---peaceable---full of good fruit---without partiality and without hypocrisy.

ANSWER OF THE HOUSE OF REPRESENTATIVES.

MAY IT PLEASE YOUR HONOUR,

THE House of Representatives view with deep and serious regret the very peculiar circumstances under which they have assembled, and with fearful anxiety direct their thoughts to that Being, without whose aid the portentous aspect of our publick affairs cannot be changed. In a season of political calamity, when the hand of the General Government presses with peculiar rigour upon the people of Massachusetts, the known patriotism of her sons, becomes a sure pledge for the display of those virtues which the times require. At such a moment the House of Representatives will investigate with patience and circumspection the causes which have led to the existing and threatened evils, and will endeavour to apply such remedies as the powers confided to that branch of the State Legislature will constitutionally warrant.

The afflicting dispensation of Divine Providence, which has deprived this Commonwealth of its late Commander in Chief, cannot be more sincerely deplored by your Honour than it is sensibly felt by the House of Representatives. Elevated to the Chair of State, in opposition to the political sentiments of a majority of the Legislature, we are happy to declare that the late Governour Sullivan, in the discharge of his high and important trust, appeared rather desirous to be the Governour of Massachusetts, than the leader of a party, or the vindictive champion of its cause.

We receive with respectful attention the assurance of your Honour's "solicitude, assiduity, and best endeavours to promote what shall appear most conducive to the good of the whole;" and pursuing the fair and obvious construction of the national and state constitutions, as a rule of action, we apprehend that it is impossible your Honour should furnish any occasion for the exertion of candour or indulgence on our part.

We are unwilling to believe that any division of sentiment can exist among the New England States or their inhabitants as to the obvious infringement of rights secured to them by the Constitution of the United States;—and still more so that any men can be weak or wicked enough to construe a disposition to support that Constitution and preserve the union by a temperate and firm op-

position to acts which are repugnant to the first principles and purposes of both, into a wish to recede from the other states. If a secession has been conceived by the states or people referred to in your Honour's communication, it is unknown to the House of Representatives, who absolutely disclaim any participation therein, or having afforded the least colour for such a charge. If ever such suspicions existed they can have arisen only in the minds of those who must be sensible that they had adopted and were persisting in, measures which had driven the people to desperation, by infringing rights which the citizens of Massachusetts conceive to be unalienable, and which they fondly hoped had been inviolably secured to them by the federal compact.

The Legislature and people of Massachusetts ever have been and now are firmly and sincerely attached to the union of the States, and there is no sacrifice they have not been, and are not now willing to submit to, in order to preserve the same, according to its original purpose—Of this truth your Honour must be convinced. We do not appeal to the unvarying conduct of our citizens during the glorious administrations of Washington and Adams, when the patriotick endeavours of our statesmen under the most perplexing embarrassments, pursued and secured the interests and honour of the nation:—But we can appeal to the patience with which our fellow citizens have borne the administration of those, whose boast it has been to proscribe all the measures of their predecessors, and most of the men whose talents and virtues had assisted in securing to the United States the blessings of a free government. The people in this section of the country had undoubtedly flattered themselves, that the liberal confidence which they had afforded to the professions of their rulers would induce a regard to their interests, and when experience had shewn the incompetence of their measures to the honour or safety of the country, they would have had the magnanimity to correct their errors. It ought not to be matter of surprize that men who either on the floor of Congress or elsewhere, have adopted measures hostile to the union, and subversive of its principles should endeavour to brand with the calumny you mention the efforts of those who sincerely aim at preserving the constitution, by demonstrating the tendency of their acts, and who studiously exert themselves to prevent a dissolution of the federal compact by stating the dangers of such an event. An event which this house cannot fail to deplore as one of the greatest evils, and to prevent which they will leave no constitutional means un essayed. But it would be greatly to be deplored if any thing in your Honour's address could be construed into a sanction, by the Chief Magistrate of this Com-

monwealth, of a charge so unfounded and a slander so unmerited.

It is with much pleasure the House of Representatives receive your Honours declaration, that no personal gratification shall stand in the way of any arrangement, which shall concentrate the general will, and direct its strength for our country's safety. In this declaration so honourable to yourself, sir, the House of Representatives most promptly and cordially concur, and so far as constitutionally they may, sacredly pledge themselves to your Honour in defence of all those rights which have been violated abroad, or usurped at home.

The House of Representatives agree in sentiment with your Honour, that " it cannot be necessary to review in detail the continued and aggravated insults and injuries which have been heaped upon us by the warring powers of Europe :" yet it may not be improper to remark, that when a government, in the first instance, from an overweening partiality to one power, an undue prejudice against another, or a timid and pusillanimous policy towards all nations, surrenders essential rights without a struggle, the nation over which it rules becomes the victim of aggression from without, and of imposition from within. The partial developement of publick documents is but too conclusive on this point.

That the regulation of our commercial intercourse and our national defence, is most wisely confided to the general government, is a truth so plain and palpable, that we should hold it unnecessary to be repeated here, were it not for the purpose of concurring with your Honour in the justice of the sentiment ; but the liberty of discussing the measures of our general government with freedom and firmness, though with fairness and moderation, is a right the House of Representatives never will relinquish.

We cannot agree with your Honour that in a free country there is any stage at which the *constitutionality* of an act may no longer be open to discussion and debate ; at least it is only upon the high road to despotism that such stages can be found.

At such a point the Government undertaking to extend its powers beyond the limits of the constitution, degenerates into tyranny. The people, if temperate and firm, will, we confidently rely, eventually triumph over such usurpations.

Were it true, that the measures of government once passed into an act, the constitutionality of that act is stamped with the seal of infallibility, and is no longer a subject for the deliberation or remonstrance of the citizen, to what monstrous lengths might not an arbitrary and tyrannical administration carry its power. It has only to pass through rapid readings and mid-night sessions, without allowing time for reflection and debate to the final enacting of

a bill, and before the people are even informed of the intentions of their rulers, their chains are riveted, and the right of complaint denied them. Were such a doctrine sound, what species of oppression might not be inflicted on the prostrate liberties of our country. If such a doctrine were true, our constitution would be nothing but a name—nay worse, a fatal instrument to sanctify oppression, and legalize the tyranny which inflicts it.

Nothing but madness or imbecility could put at hazard the existence of a “ balanced government, capable of operating and providing for the publick good,” unless the administration of that Government, by its arbitrary impositions had endangered or destroyed the very objects for the protection of which it had been instituted.

Should such a case ever occur, on the administration who should usurp powers and violate such sacred obligations, must rest the odium of having hazarded a government “ so safe, so reasonable and so beyond every thing else essential to the liberty and happiness of our fellow citizens.”

Although the history of the first twelve years of our Federal Government abundantly proves that no administration, however, wise and happy can be satisfactory to all our citizens, yet have the people, at all times, and under all administrations, an undoubted right to insist that neither the letter nor spirit of the constitution shall be violated. And most certainly the policy and capacity of that administration may be questioned, which in a few years has reduced this great, active and enterprizing nation, from an unexampled height of commercial prosperity, to comparative poverty and idleness. Assuredly that administration which meets aggression only with retirement and non-intercourse laws, never can acquire the confidence of a commercial people, and never will afford any security against violence, injustice and depredation. To the present administration is the country indebted for a system of measures as novel as it is imbecile, as weak against foreign nations as it is oppressive and ruinous to our own.

The House of Representatives certainly have no disposition to assume the direction of those affairs, the management of which has been so properly confided to the General Government; yet upon this occasion it may not be deemed improper to observe, that, from the scanty information which has been suffered to escape, they cannot discern in the situation of our foreign relations, any difficulties or embarrassments which have not heretofore been successfully encountered by former administrations of our government.—During the administration of Washington and Adams, circumstances of much greater political embarrassment were met with a steady eye, and firm and vigorous purpose. Negotiations with both the great

contending powers of Europe were commenced, and by a steady adherence to the just rights of our nation, with an active preparation to use force, when negotiation failed, the patriots of that day successfully repelled every unjust pretension, while they preserved the honour, as well as the resources and prosperity of their fellow citizens....The House of Representatives, therefore, cannot doubt, that the same measures resorted to with the same spirit and good faith, would effect now what they did then, the protection instead of the annihilation of our commerce---the preservation instead of the abandonment of the nation's honour.

It cannot be denied, that jealousy and distrust have arisen among the people of Massachusetts, and much it is to be regretted, that they have been so well founded. A system of policy ruinous to their interests, and uncongenial to their enterprising spirit---a system for which the administration has yet, in our opinion, assigned no adequate reason, has borne most heavily and unequally on the northern and commercial States. For relief from this oppression the people fondly looked to the meeting of Congress,---but alas! how fatally have their hopes been blasted:---Their humble prayers have been answered by an act so arbitrary and oppressive, that it violates the first principles of civil liberty, and the fundamental provisions of the Constitution. At such a moment, and under such a pressure, when every thing which freemen hold dear, is at stake, it cannot be expected and it ought not to be wished, that they should suffer in silence. The House of Representatives cannot admit that laws which operate unequally are unavoidable....The government, in their opinion, has no right to sacrifice the interests of one section of the Union to the prejudices, partialities, or convenience, of another.

We perfectly agree with your Honour in the general principle that, in a free government, the majority must determine and decide upon all existing or projected measures.—But it will be recollect ed, that the decision of that majority, to be binding, must be constitutional and just. Government is formed for the security of the citizen, and the protection of its rights. Whenever his liberty is infringed, his rights violated or unprotected, if not absolved from his allegiance, he may demand redress, and take all lawful measures to obtain it.

It is impossible for the House of Representatives to follow the very wide and extended range of political remark through which it has pleased your Honour to expatiate.—The limits which time and duty prescribe, necessarily confine our observations to a few of the most prominent features of your Honour's elaborate address.---- Those individual indiscretions, and that rashness of sentiment and action, which have so justly incurred your Honour's censure, as op-

posing a vital movement of the body politick, appear to indicate with precision that period of our federal history, in which an insurrection fomented by those who assumed to themselves exclusively the denomination of republicans, and aided by the machinations of French intrigue, had nearly prostrated the national government.---Thanks to the friends of the Constitution, with the beloved Washington at their head, they protected by their valour in the field, what their wisdom in the cabinet had created. We trust, Sir, that there is now no danger of a repetition of those scenes of licentious riot and rebellion. We perfectly accord in sentiment with your Honour, "that to suggest such things of New-England is not less a libel on the morals and understanding of its inhabitants, than on their patriotism;" their character is not marked with "propensities to disorder, outrage and blood." If such characters exist any where in the United States, they are not to be found among the peaceful and industrious citizens of New-England.

The early habits and constant practice of our fathers and ourselves have led us on every great emergency, and on the pressure of political calamities, to resort to town meetings wherein the general sense of the people might be collected. This practice, so wholesome and salutary was one of the most influential means employed in bringing about that glorious revolution which established our independence. It was against these meetings, therefore, that the strong arm of royal power was elevated, in the year 1774, and they were prohibited under severe penalties. Had the British ministry of that day attended to the voice of the people, so expressed, they would have avoided the evils, which they had afterwards so much reason to deplore. The expression of the publick sentiment has become necessary to counteract the errors and misrepresentations of those who have falsely inculcated upon the administration of the general government, a belief that the measures they were pursuing were satisfactory to the people. From the suppression of these meetings would liberty have more to apprehend than from any other cause whatever. From such a cause, should we most dread "the overturning the splendid edifice erected by the wisdom and valour of our fathers." A privilege so wisely secured by our Constitution, we cannot hesitate to declare, the citizens of Massachusetts will never resign.

We are perfectly aware that "misrepresentations, groundless suspicions, violent and indiscriminate abuse," are the rank weeds of a free government and an unrestricted press. Perhaps no country has afforded more fatal examples of such misrepresentations, than our own. It is by the use of such means that factious and designing men always rise to power. The instructive page of history is crowded with examples. In some countries we have seen

political partisans clandestinely supporting these vehicles of slander and calumny;—by their agency blackening the reputation of a meritorious and successful rival, for whom in the face of the world they professed the greatest personal consideration and respect. The object once gained, however, it has always been the practice of low ambition to disavow the means by which it mounted. In our country we congratulate your Honour that every citizen has a temple of refuge in the laws. To these and an independent jury he may safely flee for protection from the poisonous breath of political slander and detraction.

In the description which your Honour has drawn of the situation of our country previous to the adoption of the Federal Constitution, we cannot but observe the very strong resemblance which it bears to the picture of the present times. “Our government humbled and inefficient, our union a thread, our commerce unprotected, our revenue nothing, individuals embarrassed, grievances complained of, our rulers censured, town and county resolutions published, combinations formed, non compliance with the laws announced, property sold for one third its value, the insolvent imprisoned, and the courts of justice stopped;” that this description applies to the present state of parts if not the whole of our country, we believe will not be denied. Whence comes it that from a state of the most flourishing prosperity a few months should have produced a change so truly astonishing? It is not in the restless and unsteady habits of a people, till lately contented and happy, that we must look for the causes of these frightful calamities;—it is in the pernicious and dreadful consequences of this shallow system of Embargo and Non Intercourse, that we shall find the fruitful source of our country’s ruin. We do most sincerely hope that neither Virginia or any other state may ever succeed in “dictating measures to Congress and by a convulsed state of things force their adoption.” However, such an usurpation might from various causes endure for a time, the returning good sense of the people would eventually restore the equilibrium and effectually prevent those tempestuous scenes which your Honour has so eloquently described. “The importance and the interesting and perilous nature of the crisis” have excited the most alarming reflections in our minds, and we doubt not that every member of the Legislature will devote himself to the arduous yet necessary duty of “devising some reconciling expedient to quiet the agitated minds of our citizens,” and relieve them from the weight of these unconstitutional restrictions.

The House of Representatives derive peculiar satisfaction from contemplating the patriotism, order and discipline of our militia, and look with confidence to this establishment for a sure defence

•of their country and its rights.—Such a bulwark will always render “standing armies in time of peace” unnecessary for protection; and inadequate for usurpation or subjection at any time. So long as the militia system shall be deemed susceptible of improvement, so long will it be the favourite object of Legislative aid and shall meet the early and persevering attention of the House of Representatives. So far as it lies in our power we will take care that it shall be “capable of moving and being moved without mortifying delays and dangerous collisions.” Nothing will more subserve this desirable end than the preservation of that discipline upon which depends the regularity and precision of all military movements. A vigilant regard also to those military judgments, (upon which depend the pride and honour of a soldier) will tend greatly to inspire confidence in our officers, to procure obedience in their men, and restore to the system that harmony which constitutes its perfection.

The House of Representatives have remarked, with much anxiety, an evil of growing magnitude in the accumulation of depreciated and counterfeited bank bills;—the alarming height to which this evil has arisen, loudly calls for some remedy; and although “the want of a foreign market for the produce of our farms,” and the total suspension of our commerce, afford fewer opportunities for witnessing impositions, yet no doubt the number of persons who resort to dishonest practices, with our paper currency, is much increased by the peculiar situation of the country. That ingenuity which is driven from the pursuits of honest industry and labour, frequently seeks a refuge from poverty in the paths of vice.

It always has been the practice of the Legislature of Massachusetts, to extend the fostering hand of encouragement to all manufactures, undertaken within the Commonwealth, with any prospect of success, or publick utility. The House of Representatives will be happy upon every fair occasion, to continue this laudable custom, and will seize the earliest moment, which is free from other occupation, to deliberate upon this important subject; and to devise such plans as will best promote the object in view.

Good publick roads certainly afford very great facilities to husbandry, commerce and manufactures: and Massachusetts in this respect, is not behind any portion of the United States. It is matter of much satisfaction to the House of Representatives that these advantages have been obtained by the voluntary exertions and enterprise of our fellow citizens, without resorting to the General Government for any aid from that superfluous wealth with which we are officially informed, the national treasury overflows. In a period of general prosperity, encouragement to the ornamental planting of our public roads would certainly be entitled to some at-

tention from the Legislature, but at this awful crisis, when our very existence as a nation is almost in question, it is respectfully submitted to your Honour, whether the occupation of much time on this subject might not be considered by our constituents as trifling with the publick expectations.

To cherish the interests of literature, at all times, and under all circumstances, the House of Representatives will consider among the first and most pleasing of their duties. Upon this subject we shall always be ready most cheerfully to co-operate with your Honour.

The House of Representatives accept with gratitude, and reciprocate with perfect sincerity, the wish which forms the conclusion of your Honour's address, and prays your Honour to be convinced that nothing, on their part, shall be wanting to bring the session to a termination consistent with the wish so devoutly expressed.

RESOLVES.

CCXXXV.

Resolve granting Jacob Kuhn Three hundred and fifty dollars to purchase necessary articles for the Council and Legislature. Jan. 28, 1809.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth to Jacob Kuhn, messenger of the General Court, Three hundred and fifty dollars, to enable him to purchase such articles as may be necessary for the Honourable Council and both Houses of the legislature, he to be accountable for the expenditure of the same.

CCXXXVI.

Resolve directing the Treasurer to make a statement of his accounts to January 1, 1809. Jan. 31, 1809.

Resolved, That the Treasurer be, and he is hereby directed to lay before the Senate and the House of Representatives of this Commonwealth, a statement of the accounts of the Treasury to the first of the present month of January, as soon as may be.

CCXXXVII.

Resolve granting Moses Stone, jun. One hundred and fifty dollars, and a pension of four dollars per month. Jan. 31, 1809.

On petition of Moses Stone, jun. a soldier in a company of cavalry in the first brigade and third division of the militia, praying for compensation for injuries sustained in the accidental discharge of a pistol.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the said Moses Stone, jun. in consequence of his having lost his left eye, and sustained other injuries, by the accidental discharge of a pistol, while on military duty, on the twenty seventh day of September last, the sum of one hundred

and fifty dollars, to enable him to pay doctors, nurses, and other expenses arising from the said misfortune, and an annuity, or pension, of four dollars per month during his natural life; to commence from said twenty seventh day of September.

CCXXXVIII.

Resolve for addressing a letter from the two Houses to Mrs. Martha Sullivan, on the death of the late Governour, &c. Jan. 31, 1809.

Whereas, it has pleased the Almighty Ruler of the Universe, to remove from this life, His Excellency James Sullivan, Esq. late Governour of this Commonwealth.

Resolved, That the members of the Legislature recognize with lively sensibility his patriotism and his talents, and in testimony of their regret for the loss of him their Chief Magistrate, will wear a black crape on the left arm the remainder of the present session—and that the Honourable the President of the Senate, and the Honourable the Speaker of the House of Representatives, address a respectful letter to Mrs. Martha Sullivan, widow of the deceased, in behalf of the Legislature, expressive of their sympathy with her, and the bereaved family—and that they enclose therein a copy of this resolve.

CCXXXIX.

Resolve discharging Jonathan L. Austin, Esq. late Secretary, of Three hundred dollars, upon his paying the Treasurer the balance of Thirty eight Dollars. Feb. 4, 1809.

Resolved, That the Treasurer of the Commonwealth be, and he hereby is directed to receive from Jonathan L. Austin, Esq. late Secretary of this Commonwealth, the sum of Thirty eight dollars, it being the balance of Three hundred dollars granted by a resolve of the 20th June, 1807, for the pay of assistant Clerks in the Secretary's office—and that said Austin be discharged from all demands on account of said sum of Three hundred dollars.

CCXL.

Resolve discharging Orange Gleason, and John Rollins from imprisonment on two several executions. Feb. 7, 1809.

On the several petitions of Orange Gleason, of Boston, in the county of Suffolk, Truckman, and of John Rollins, of the same

Boston, Labourer, praying that certain judgments rendered against them severally, in favour of this Commonwealth, may be released, and that they may be discharged from imprisonment on the several executions issued on the same judgments, and on which executions they are now confined in the goal of the county of Suffolk.

Resolved, That this Commonwealth release forever the said Orange Gleason, and John Rollins from the several judgments rendered against them severally, as stated in their several petitions, and that they be discharged from longer imprisonment on the several executions awarded and issued on the same judgment, against them severally.

CCXLI.

Resolve for paying the members of the Council and Legislature, &c.
Feb. 8, 1809.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to each member of the Council, Senate, and House of Representatives, Two dollars per day for each day's attendance the present session, and the like sum for every ten miles distance from their respective places of abode to the place of the setting of the General Court.

And be it further resolved, That there be paid to the President of the Senate, and Speaker of the House of Representatives, each, Two dollars per day, for each and every day's attendance, over and above their pay as members.

CCXLII.

Resolve on the petition of Samuel Parker. Feb. 10, 1809.

Upon the petition of Samuel Parker, praying to be restored to the benefit of an act, entitled "an act for limiting the time within which suits may be prosecuted against Executors and Administrators, and for perpetuating the evidence of notice given by them, and by Guardians and others respecting the sale of real estate."

Resolved, for the reasons set forth in said petition, that upon the said Parker's posting up in two or more publick places in Pepperell, in the county of Middlesex, due notice of his having been appointed administrator of the goods and estate of Simon Gilson, late of said Pepperell, deceased, and of his acceptance of said trust, and also inserting the same notice in the newspaper printed in Boston by Adams & Rhodes, three weeks successively before the first day of April next, and upon his making and filing in the Probate Court

for said county before the first day of June next, an affidavit of his having given such notice, accompanied with an original notification, or a copy thereof, of his having undertaken said trust, he the said Parker shall be entitled to all the benefits of the said act in as full and ample manner to all intents and purposes as if notice had been given of his said appointment and affidavit thereof filed in said Probate Court within the time and in the manner limited and prescribed by the said act, except that no creditor of the estate of the said Simon deceased, shall be barred by the provisions of the third section of said act from prosecuting any suit against the said administrator, which shall be commenced at any time within three years from the first day of May next.

CCXLIII.

Resolve on the memorial of Bailey Hall, keeper of Plymouth Goal.
Feb. 11, 1809.

Resolved, That the keeper of the Commonwealth's Goal in Plymouth, in the County of Plymouth, be, and he hereby is directed to liberate and discharge Daniel Croaker, jun. from his confinement in said Goal, upon the warrant of distress issued against him by the Treasurer of this Commonwealth, upon said Croakers paying legal costs and fees.

CCXLIV.

Resolve on the petition of John Warren, allowing further time to settle Township No. 4. Feb. 11, 1809.

On the petition of John Warren : *Resolved,* For reasons set forth in said petition, that a further time of four years from the first day of June next, be, and hereby is allowed to the said John Warren, his heirs or assigns to complete his settling duty in Township number four, in the fourth range of Townships north of the Waldo patent; and if said John Warren, his heirs or assigns, shall within said term of four years from the first day of June next, settle upon said Township, the number of families, in his deed and grant expressed, then the estate, right and title thereto, of the said John Warren, his heirs, and assigns, shall be valid and effectual to all intents and purposes; *Provided nevertheless,* That the said John Warren, shall on or before the first day of October next, give bond to this Commonwealth in the sum of One thousand dollars, conditioned that the said settling duty shall be fully completed in said Township, within said term of four years from the first day of June

next—or pay to the Commonwealth thirty dollars for each family, which shall then be deficient of the whole number.

CCXLV.

Resolve on the petition of Daniel Davis, Esq. Solicitor General.
Feb. 11, 1809.

On the petition of Daniel Davis, Esq. Solicitor General, stating the great and increasing labours and expenses attending the duties of his office, and praying the Legislature to take his case into consideration and grant him such sum in addition to his salary established by law, as they may think just and reasonable.

Resolved, For reasons set forth in said petition, That there be allowed and paid out of the publick Treasury, to Daniel Davis, Esq. Solicitor General, the sum of six hundred and thirty five dollars, in addition to his salary established by law, in full for his services as aforesaid to the first day of March, 1809.

CCXLVI.

Resolve on the petition of John Hodgdon, granting him further time to perform the settling duties on a half Township, in the district of Maine. Feb. 11, 1809.

On the petition of John Hodgdon, the proprietor of the half Township of land, laid out on the easterly line of the District of Maine, and granted to the Trustees of Groton Academy, by a resolve of the General Court, passed the twenty seventh day of February, in the year of our Lord, seventeen hundred and ninety seven.

Resolved, for reasons set forth in said petition, that a further time of four years from and after the first day of June next, be and hereby is allowed to the said John Hodgdon, his heirs, or assigns, to perform the settling duties, which in the grant or deed of the half Township, are specified and required—and if the said John Hodgdon, his heirs, or assigns, shall settle upon the said half Township, within the said time, the number of families in said deed or grant expressed and required, that then the estate, right and title thereto of the said John Hodgdon, his heirs and assigns, shall be as valid and effectual, to all intents and purposes, as if the said conditions of settlement had been fully and seasonably complied with: *Provided nevertheless*, That the said John Hodgdon shall, on or before the first day of October next, give bond to this Commonwealth, in the sum of One thousand dollars, with sufficient surety

or sureties, to the satisfaction of the committee for the sale of eastern lands, conditioned, that there shall be settled on the said half Township, the full number of families expressed in the original deed, within the aforesaid term of four years from the first day of June next, or pay to the Commonwealth thirty dollars for each family that shall then be deficient of the whole number.

And be it further resolved, That John Hodgdon and Nathaniel Ingersoll, the proprietors of the half Township of land in the District of Maine, granted to the Trustees of Westford Academy, be, and they are hereby allowed the further time of four years from and after the first day of June next, to perform the settling duties, which, in the grant or deed of the said half Township, are specified and required. And if the said John Hodgdon and Nathaniel Ingersoll, their heirs, or assigns, shall settle upon the said half Township, within the said time, the number of families in said deed or grant expressed and required, that then the estate, right and title thereto, of the said John Hodgdon and Nathaniel Ingersoll, their heirs and assigns, shall be as valid, full and effectual, to all intents and purposes, as if the said conditions of settlements had been fully and seasonably complied with. *Provided nevertheless,* That the said John Hodgdon and Nathaniel Ingersoll, their heirs or assigns, or either of them, shall, on or before the first day of October next, give bond to this Commonwealth, in the sum of One thousand dollars, with sufficient surety or sureties, to the satisfaction of the committee for the sale of Eastern lands, conditioned, that there shall be settled on the said half Township, the full number of families expressed in the original deed, within the aforesaid term of four years from the first day of June next, or pay to the Commonwealth thirty dollars for each family which shall then be deficient of the whole number.

CCXLVII.

Resolve granting Moses Thomas, a Deputy Sheriff in Worcester county, Six dollars, thirty one cents. Feb. 14, 1809.

On the petition of Moses Thomas, a Deputy Sheriff, stating, that on the seventeenth day of August, in the year of our Lord, one thousand eight hundred and two, by virtue of a warrant put into his hands, issued on the complaint of Henry Brigham, of Barre, and Abigail Wait, of Sterling, both in the county of Worcester, against David Wait, of said Sterling, a Lunatick or furiously madman, he, the said Thomas, arrested said David Wait according to the tenor of said warrant, and committed him to the goal in Worcester —that after having made due return of said warrant, he applied to

the then Court of General Sessions of the Peace in the county of Worcester, for payment for the service aforesaid, but that the said Court of Sessions refused to pay him therefor, alledging that the Statute of the Commonwealth made no provision for the same—and praying the General Court that payment be allowed him for said service.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth to the said Moses Thomas, the sum of six dollars and thirty one cents in payment for the service set forth in his said petition.

CCXLVIII.

Resolve for granting Ephraim Brown twenty-five dollars, and Sylvester Maxwell fifteen dollars. Feb. 18, 1809.

On the petition of Ephraim Brown and Sylvester Maxwell, praying for indemnification for time and money expended in detecting sundry persons in bringing counterfeit Bank Bills into this Commonwealth, and putting the same into circulation :

Resolved, That there be allowed and paid out of the publick treasury, to Ephraim Brown the sum of *twenty-five dollars*, and to Sylvester Maxwell *fifteen dollars*, in full satisfaction for their services as set forth in their petition.

CCXLIX.

Resolve on the petition of William Simon. Feb. 18, 1809.

On the petition of William Simon, of New Bedford in the county of Bristol, (Indian man) praying that his land in Middleborough may be sold, and the proceeds thereof be placed in the hands of the Selectmen, and overseers of the poor of said New-Bedford; and their successors in those offices.

Resolved, For reasons set forth in said petition, that Alden Spooner, Roger Haskell, and Thomas Nye, jun. Selectmen and overseers of poor of said New-Bedford, and their successors in said offices, be, and hereby are authorized and impowered to sell all the right, and interest, that the said Simon holds in a tract of land situated in the southerly part of Middleborough, (being in common and undivided with others) and they are to advertise the time and place of sale at least thirty days previous to the day of sale, in the towns of New-Bedford and Middleborough, on such conditions as said selectmen and overseers of the poor, may judge

will be most for the interest of said Simon, and to make and execute a good and effectual deed or deeds of the same, and said selectmen and overseers of poor, shall put the proceeds of the sale of said Simon's lands at interest, on good security, and the same shall be applied for the comfort and support of the said Simon and his family, as they may stand in need; and the said selectmen and overseers of poor shall lay their accounts of advances made to said Simon or his family, before the committee of accounts of the town of New-Bedford, annually, whose duty it shall be, to allow the whole, or in part, as they shall think proper; and said town's committee shall keep the account of said Simon distinct from the town accounts.

And be it further resolved, That John Tinckham, Esq. who has been appointed by a resolve of the General Court, agent for said William Simon and Benjamin Simon, for a certain purpose, be, and hereby is discharged from any further agency in the said William Simon's concerns of what nature soever.

CCL.

Resolve confirming doings in Lynn town meeting. Feb. 18, 1809.

On the petition of the inhabitants of the town of Lynn.

Resolved, That all town meetings in the town of Lynn, which have heretofore been called, and held, by the town clerk by order of the Selectmen, or by the Selectmen by notifications not under seals, and all the proceedings of the legal voters of said town which have been had in pursuance of such notifications, be, and hereby are ratified and confirmed in the same manner, as if the said notifications had been by warrants according to law.

CCLI.

Resolve allowing further time to Asa and Nathaniel Rand to discharge a certain recognizance. Feb. 18, 1809.

On the petition of Asa Rand, and Nathaniel Rand both of Westminster in the county of Worcester, stating, that on the fourth day of November, A. D. 1807, Zachariah Rand father of said petitioners was arrested and carried before a Justice of the Peace on a charge of forgery, and was ordered by said Justice to recognize for his appearance at the next Supreme Judicial Court in said county of Worcester in the sum of four hundred dollars with sureties; that the said Zachariah, did accordingly so recog-

nize, and that said petitioners recognized with him as sureties—that before the sitting of said Court the said Zachariah absconded, whereby said recognizance became forfeited, and said petitioners were exposed to pay said sum, and that by a resolve of the General Court passed on the tenth day of June last, said petitioners were discharged from said recognizance on condition that they should pay to the Attorney General of said Commonwealth, or the Treasurer of said county of Worcester four hundred dollars and all costs; that had then or should after arise by reason of such arrest and recognize, on or before the then next sitting of the Supreme Judicial Court, which Session was in September last, that previous to the passing of said resolve, said petitioners, had sold the real estate of said Zachariah to enable themselves to discharge the said recognizance, that they did pay to the Treasurer of said county of Worcester at the time aforementioned two hundred and fourteen dollars, but that owing to the scarcity of money it was not in their power to procure any more, that they therefore pray that they may be restored to law by giving them a further time to discharge the said recognizance.

Resolved, That the time for the payment of the sum mentioned in the resolve, passed in June last, referred to in the said petition in the manner therein expressed be further extended, and that the time of payment of the sum aforementioned be on or before the next term of the Supreme Judicial Court which shall be holden at Worcester within and for the county of Worcester in April next.

CCLII.

Resolve giving liberty to William Smith, to choose a lot of land in Marshall Township. Feb. 18, 1809.

On the petition of William Smith, a Soldier in the late Continental Army :

Resolved, for reasons set forth in said petition that the said William Smith have, and he hereby has liberty to choose a lot of two hundred acres of land, as laid out in the Township of Marshall, and to receive a certificate of the same, in the same way and manner as he might have done, had he originally made application in due season or twenty dollars in lieu thereof and the Treasurer of this Commonwealth is hereby directed to grant a certificate of the same which the said William Smith is entitled to receive at his option.

CCLIII.

Resolve on the petition of John Johnson, authorizing the Lieut Governor to raise a Company of Light Infantry in Gloucester.
Feb. 18, 1809.

On the petition of John Johnson and others, praying for leave to raise a Light Infantry Company in the town of Gloucester in the county of Essex :

Resolved, That the Governor, with the consent of the Council, be, and is hereby authorized and empowered to raise by voluntary enlistments, a Company of Light Infantry in said town of Gloucester, out of the Companies in said town, commanded by Captains Benjamin Dodge and William Pearce, by the name of the Gloucester Light Infantry Company ; to be annexed to the second Regiment and first Brigade, in the second Division of the Militia of this Commonwealth, and subject to such rules and regulations as are, or may be provided by law, for the Government of the Militia of this Commonwealth.

CCLIV.

Resolve granting five hundred dollars to the Society for propagating the Gospel. Feb. 18, 1809.

On the petition of the Society for propagating the Gospel among the Indians, and others in North America :

Resolved, That there be granted and paid to the Society for propagating the Gospel among the Indians and others in North America, out of the Treasury of this Commonwealth, the sum of five hundred dollars, to be laid out and expended in the purchase of religious books, in educating the youth, and for propagating the Gospel in such parts of the Commonwealth as are unable to furnish themselves with books, teachers, and instructors.

CCLV.

Resolve accepting the report of a Committee on the accounts of Jonathan Maynard, Esq. Guardian to the Natick Indians.
Feb. 18, 1809.

Resolved, That the report of Elijah Brigham and others, a Committee appointed by the General Court, to audit the accounts

of the Hon. Jonathan Maynard, Guardian of the Natick Tribe of Indians, be, and hereby is accepted, and that said Jonathan Maynard, be, accountable for the sum of five hundred and two dollars and seventy seven cents the balance remaining in his hands due to said Tribe of Indians.

CCLVI.

Resolve on the petition of Samuel Jones, relinquishing the improvement of certain land during his and his wife's life. Feb. 18, 1809.

On the petition of Samuel Jones, of Barre, in the county of Worcester, praying that the Commonwealth would relinquish their right in about thirty three acres of land, lying in said Barre, being the late property of Midor Hillhouse, of said Barre, deceased, having left no heirs except a widow which is married to said petitioner:

Resolved, for reasons set forth in said petition that the Commonwealth relinquish to the said Samuel Jones and his wife the improvement of said land during their natural lives.

CCLVII.

Resolve granting Thomas Cutts, Esq. one hundred and fifty seven dollars and nine cents, for costs on an Inquest of Office. Feb. 20, 1809.

On the petition of Thomas Cutts, Esq. praying that he may be allowed his costs arising upon an inquest of offices brought against him by the Solicitor General of this Commonwealth, at the suggestion of Isaac Scammon, in the name of the Commonwealth, in virtue of a resolve passed the tenth day of February, in the year of our Lord, one thousand eight hundred and four, directing the Solicitor General to institute said inquest, if in his opinion the interest of the Commonwealth required it, on which the said Cutts finally prevailed, and further praying that said resolve may be repealed.

Resolved, for reasons set forth in said petition that there be allowed and paid to said Cutts out of the Treasury of this Commonwealth, in full for his costs accruing upon said inquest of office, the sum of one hundred and fifty seven dollars and nine cents; and that the Solicitor General be, and he is hereby directed to discontinue and suspend all further proceedings under the resolve above mentioned, unless the said Isaac Scammon shall repay into

the Treasury of the Commonwealth the aforesaid sum of one hundred and fifty seven dollars and nine cents, and unless he shall give good and sufficient bond to indemnify the Commonwealth from all future costs and expense which may accrue on the same; and unless the said Scammon shall also give bond to the said Cutts to pay to him all costs which may arise on said inquest, which might legally be taxed for said Cutts in case he should prevail, if the suit were brought in the name of the said Isaac Scammon.

CCLVIII.

Resolve, on petition of Moses Adams and others for raising a Company of Light Infantry in 2d, Regiment, 2d, Brigade to the Division. Feb. 20, 1809.

On the petition of Moses Adams and others praying for leave to raise a Company of Light Infantry in the second regiment, second Brigade and tenth Division of the Militia of this Commonwealth:

Resolved, for reasons set forth in said petition that his Honour the Lieutenant Governour, with the advice of Council, be, and he hereby is authorized and requested to raise by voluntary enlistment, a Company of Light Infantry, in the towns of Surry, Ellsworth, Trenton, and at large, in the second Regiment, second Brigade and tenth Division of Militia of this Commonwealth, which Company shall be annexed to said Regiment, subject however, to such rules and regulations, as are, or may be provided by law, for regulating and governing the Militia of this Commonwealth, *Provided*, that neither of the standing Companies in said towns or regiments shall hereby be reduced to a less number than sixty four effective privates.

CCLIX.

Resolve on the petition of Deliverance Houghton. Feb. 20, 1809.

On the petition of Deliverance Houghton, widow and relict of Solomon Houghton, an absentee, late of Lancaster, in the county of Worcester, praying that she may be allowed to take possession of and hold in her own right certain real estate, consisting of about eighteen acres of land with the buildings thereon, situated in the town of Boylston, and was set off to her as Dower in the said absentee's estate, which became the property of the Commonwealth under the absentee process, and was set off to said petitioner in the year one thousand seven hundred and eight:

Resolved, for reasons set forth in said petition, that the Commonwealth do hereby release to the said Deliverance Houghton, to her and to her heirs forever, all the title, right and interest which this Commonwealth have in the aforementioned premises, set off to her, said Deliverance Houghton, as Dower or thirds in the said absentee's estate.

CCLX.

Resolve excusing Josiah Dwight Esq. from serving as one of the Committee for locating Northampton and Providence turnpike road. Feb. 20, 1809.

Whereas by an act of the General Court passed on the twelfth day of March, 1808, entitled, "An act to establish the Providence and Northampton Turnpike Corporation" Josiah Dwight, Esq. was appointed one of a certain committee to locate the Turnpike road mentioned in said act. And whereas the said Josiah Dwight hath represented that the performance of that service would interfere with his official duties, and praying that he may be excused, and that some other person may be appointed in his stead.

Resolved, That the said Josiah Dwight be, and he hereby is excused from the performance of the service assigned him in and by said act. And that John Breck, Esq. be, and he hereby is appointed to act as one of said committee in the room of the said Josiah Dwight in the same manner as if he had been named as one of said committee in the said act.

CCLXI.

Resolve granting a Township of land to Williams College. Feb. 20, 1809.

On the petition of the Corporation of Williams College, by their committee, Ebenezer Fitch, Daniel Dewey, and Ezra Starkweather, praying for further aid in support of Williams College and for the erecting other buildings for the convenience of the institution and for the establishing a professor of the Oriental Languages:

Resolved, That there be, and hereby is granted one Township of land six miles square of any of the unappropriated lands belonging to the Commonwealth in the District of Maine, excepting the ten Townships, purchased of the Penobscot Indians, and the lands contracted to Jackson and Flint, the same to be vested in the President and Trustees of Williams College, and their successors forever; for the use and benefit of said College, to be holden in their cor-

porate capacity, with full power and authority to sell, convey, and dispose of the same in such way and manner as shall best promote the interest and welfare of said college—he said Township to be laid out under the direction of the committee for the sale of Eastern lands, and at the expense of the said corporation, and a plan thereof to be lodged in the Land Office of this Commonwealth: *Provided*, That the Trustees of said College or their assigns, shall locate the same within three years after the passing of this resolve, and cause to be settled in said Township fifteen families within the term of twelve years from the passing of this resolve—and also that there be reserved in said Township, three lots of land of three hundred and twenty acres each, for public uses, one lot for the first settled minister, one lot for the use of the ministry, and one lot for the use of schools.

CCLXII.

Resolve authorizing the Lieutenant Governour and Council to appoint a Guardian to the Natick Indians. Feb. 21, 1809.

On the petition of the Natick Tribe of Indians:

Resolved, That his Honour the Lieutenant Governour by and with the advice of Council, are hereby authorized to appoint a Guardian to the aforesaid Natick Tribe of Indians, under such restrictions and regulations as they may think necessary, and any former resolve appointing a Guardian be, and hereby is repealed, after another Guardian shall have been appointed in manner aforesaid.

CCLXIII.

Resolve authorizing Edward Jackson, Esq. to call a meeting of the Proprietors of Kennebeck Bridge, &c. Feb. 21, 1809.

Whereas it has been represented that advertisements for calling the annual meeting of the Proprietors of the Kennebeck Bridge, for the choice of Officers in January last, were not published agreeably to the requisitions of the bye-laws of the said corporation, and it being necessary that the said proprietors should be empowered to call a meeting for that purpose: Therefore

Resolved, That Edward Jackson, Esq. be authorized to issue his warrant for the purpose of calling a meeting for the choice of officers as aforesaid, to continue in office until the next regular annual meeting, unless the said proprietors shall otherwise determine.

CCLXIV.

Resolve disapproving the amendment to the Constitution of the United States, proposed by the State of Virginia. Feb. 22, 1809.

Resolved, That the alteration proposed to the constitution of the United States by a resolution of the General Assembly of the State of Virginia, on the thirteenth day of January, in the year of our Lord, one thousand eight hundred and eight, so as "That the Senators in the congress of the United States may be removed from office by the vote of a majority of the whole number of the members of the respective State Legislatures, by which the said Senators have been or may be appointed," be, and the same is hereby disapproved by the Legislature of this Commonwealth; and that the Senators from this Commonwealth in the Congress of the United States, be instructed, and the Representatives be requested to oppose the said alteration.

Resolved, That his Honour the Lieutenant Governor be requested to transmit a copy of the foregoing resolution to each of the Senators and Representatives in Congress from this Commonwealth, and to the executive of each State.

CCLXV.

Resolve conditionally abating a fine laid on the town of Berwick, for bad roads. Feb. 22, 1909.

On the petition of the inhabitants of the town of Berwick, in the county of York, by their agent:

Resolved, for reasons set forth in said petition, that the inhabitants of the town of Berwick, be discharged from paying a fine of one hundred dollars awarded by the Supreme Judicial Court at November term, at Alfred, 1808, on account of bad roads; on condition that the said sum of one hundred dollars be faithfully expended on the road between Capt. John Brewster and Mr. John Chadburn's dwelling houses by the last day of July next, under the direction of the Selectmen, in addition to the sum that is usually raised by said town for the repair of high-ways, the ensuing year, the said inhabitants producing satisfactory evidence of such expenditure to the Supreme Judicial Court next to be holden at Alfred, and paying costs of said prosecution.

CCLXVI.

*Resolve on the petition of Mark Haskell and wife, and others.
Feb. 23, 1809.*

On the petition of Mark Haskell and Ruth his wife in her right, Nicholas Coombs, Joshua Goss, Mary Proctor, widow, Alice Smothers, widow, Sarah Doliber, widow, all of Marblehead, in the county of Essex—Abraham Quiner, of Beverly, in said county, and Elizabeth his wife in her right, Patience Chard, widow, Catharine Tarr, widow, and William Goss, all of Gloucester, in said county, cousins and heirs at law of Michael Coombs, late of said Marblehead, mariner, deceased :

Resolved, That all such parts of the confiscated real estate of Michael Coombs which was set off to Sarah Coombs, wife of the said Michael, as her thirds in said estate during her natural life—the fee whereof since her decease is vested in this Commonwealth, be, and they are hereby given and granted to the above named Mark Haskell and Ruth his wife, Nicholas Coombs, Joshua Goss, Mary Proctor, Alice Smothers, Sarah Doliber, Abraham Quiner, and Elizabeth his wife, Patience Chard, Catharine Tarr, and William Goss—to have and to hold the same to them and their heirs and assigns forever, to be equally divided between them.

CCLXVII.

Resolve on the petition of Jotham Brigham, to render certain affidavits authorized to be taken. Feb. 24, 1809.

On the petition of Jotham Brigham, administrator on the estate of Asa Brigham, deceased, setting forth that he, the said Jotham, in his said capacity, was authorized by the Justices of the Court of Common Pleas, holden at Cambridge, within and for the county of Middlesex, on Monday next preceding the third Tuesday of December, A. D. 1807, to make sale of, and pass deeds to convey so much of said deceased's real estate, as should raise the sum of nine hundred and fifty three dollars and twenty seven cents, for the payment of said deceased's just debts, and the charges of said sale, &c. that in pursuance of said authority, he, the said Jotham, in his said capacity, gave public notice of the time and place appointed for the sale of said real estate, and made said sale, in the manner prescribed by law, to Joseph Trowbridge, and executed a good and sufficient deed of said real estate, sold as aforesaid, to said Trowbridge, but, that by mistake and misapprehension of the law, in such case

made and provided, he, the said Jotham, omitted to make his affidavit, and to obtain that of Abraham Hilliard, relative to said sale, and praying that he, the said Jotham, may have seven months from the above date granted to him, in his said capacity, to make his affidavit, and to obtain that of said Hilliard, relative to said sale, and that said affidavits, if they shall be made, in the Probate Court within and for the County of Middlesex aforesaid, in conformity to law, within said seven months, may have the same effect and operation in law, to all intents and purposes, as they would have had, had they been legally made within seven months from said sale.— It appearing that the allegations in said petition are true, therefore,

Resolved, That the prayer of said petition be granted, and that the said Jotham, in his said capacity, be, and he hereby is authorized and empowered, at any Probate Court, to be holden within and for said County of Middlesex, within seven months from the above date, to make his affidavit, and to obtain that of said Hilliard, relative to said sale of said real estate, and that said affidavits, if they shall be made, in the Court of Probate aforesaid, in conformity to law, within said seven months, shall have the same effect and operation in law, to all intents and purposes, as they would have had, had they been legally made, within seven months from said sale.

CCLXVIII.

Resolve discharging the Quarter-Master General from fifteen thousand five hundred and fifty dollars, and granting balance due him of three thousand one hundred and sixty-seven dollars and fifty-two cents, and making appropriation of eighteen thousand dollars for his department. Feb. 25, 1809.

Resolved, That Amasa Davis, Esq. Quarter-Master General, be, and he is hereby discharged from the sum of fifteen thousand five hundred and fifty dollars, viz. five hundred and fifty drawn on warrant dated Feb. 2, 1808, five thousand on warrant dated March 10, 1808, five thousand on warrant dated July 5, 1808, and five thousand on warrant dated November 16, 1808.

Resolved, That three thousand one hundred and sixty seven dollars and fifty two cents be paid to the said Amasa Davis, Esq. out of the Treasury of this Commonwealth as the balance of his account with the Commonwealth, up to the seventh day of Feb. 1809, including his salary, office rent and clerk hire, for one year, ending the seventeenth day of January 1809.

Resolved, That the sum of eighteen thousand dollars be paid to the said Quarter Master General from the Treasury of this Commonwealth, to meet the expences of his department the ensuing

year—for the application of which he is to be accountable ; and that His Excellency the Governour be requested to issue his warrants on the Treasury for the amount, at such period, and in such sums, as His Excellency, with advice of Council, may deem expedient for the publick service.

CCLXIX.

Resolve, on petition of Moses Robinson granting three hundred and fifty dollars, for losses, &c. Feb. 25, 1809.

Whereas Moses Robinson of Fairfax in the county of Kennebeck and constable of said town, while in the execution of the duties of his office on the eighteenth day of April last ; and afterwards in assisting a Deputy Sheriff in arresting one Daniel Bracket, had his horse killed, his clothes destroyed, and his own person much abused and illtreated, by sundry persons disguised as Indians, and the said Moses having petitioned this Court to afford him relief.

Wherefore resolved, That there be allowed and paid out of the Treasury of this Commonwealth to the said Moses Robinson the sum of three hundred and fifty dollars, and the Governour with the advice of Council is hereby authorized and empowered to draw his warrant in favour of said Robinson on the Treasurer for said sum.

CCLXX.

Resolve authorizing the sale of real estate, of which William Morgan died seized, and which has escheated to the Commonwealth.

Feb. 27, 1809.

Resolved, That Barnabas Bidwell, Esq. Attorney General, be, and hereby is authorized to sell and convey the real estate of which William Morgan, late of Great Barrington, in the county of Berkshire, mason, died seized, and which has escheated to the Commonwealth, the said Morgan having no heirs at law, he the said Attorney General to account with the Treasurer of this Commonwealth for the net proceeds of such sale.

CCLXXI.

Resolve granting the Attorney General an addition to his salary from March 1, 1808, to March 1, 1809. Feb. 27, 1809.

Resolved, That there be allowed and paid out of the publick Treasury to Barnabas Bidwell, Esq. Attorney General, the sum of

six hundred and thirty five dollars, in addition to his salary, in full for his services as aforesaid from the first day March, 1808, to the first day of March 1809.

CCLXXII.

Resolve authorizing the Governour, with advice of Council, to establish a Company of Light Infantry in the town of Waldoborough.
Feb. 27, 1809.

On the petition of Isaac G. Reed praying that he may be permitted to raise a Light Infantry Company in the town of Waldoborough :

Resolved, That the Governour, by and with the advice of the Council, be, and he hereby is authorized and empowered to establish a Company of Light Infantry in the town of Waldoborough ; which company when raised is to be annexed to the second regiment, second Brigade and eleventh division of the Militia of this Commonwealth, *Provided*, the forming of said Company shall not in its operation reduce the established Militia Companies in said Town of Waldoborough, below the numbers prescribed by law.

CCLXXIII.

Resolve staying proceedings against settlers in the counties of Hancock and Washington. **Feb. 27, 1809.**

Whereas, by a Resolve of the General Court of the Commonwealth of Massachusetts, passed the third day of March, 1806, the Attorney General was directed to eject certain settlers in the counties of Hancock and Washington, who should fail of completing the payment for the lots on which they settled respectively, on or before the third day of March, 1807, and by a resolve passed the second day of March, 1808, a further time of twelve months has been allowed which time has nearly expired.

And whereas, it appears that the said payments are not yet fully completed—Therefore,

Resolved, That the said Attorney General be directed to stay his proceedings relative to the same for the further time of twelve months from the passing of this resolve—and the agents for the sale of Eastern lands, are directed, in the mean time to receive any monies which the said settlers may pay, and to make out the deeds of their respective lots in the usual manner, any thing in the said resolves to the contrary notwithstanding.

CCLXXIV.

Resolve granting Alexander C. W. Fanning Two hundred dollars and Five dollars per month during his life. Feb. 28, 1809.

On the petition of Caroline H. Fanning, of Boston, praying for compensation for a wound her son Alexander C. W. Fanning received while on military duty on the fourth day of October last in said Boston:

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth to the said Alexander C. W. Fanning in consequence of his having lost his left hand while performing military duty on the said fourth day of October, the sum of Two hundred dollars, to enable him to pay the doctor, nurses, and other expenses arising from the said misfortune; and an annuity or pension of Five dollars per month during his natural life, to commence from the said fourth day of October.

CCLXXV.

Resolve for staying execution against Joseph Stone. Feb. 28, 1809.

On the petition of Joseph Stone:

Resolved, That an execution in favour of the Commonwealth against Joseph Stone for five hundred dollars and cost, now in the hands of the Sheriff of Worcester, as described in said Stone's petition, be stayed for the term of one year from the eighth day of February, 1809, and that said Sheriff be directed to return said execution in no part satisfied. *Provided,* That said judgment be not discharged, and that the same be levied, if not paid, as soon as may be after said year is expired, and that the officers of the Commonwealth govern themselves accordingly.

CCLXXVI.

Resolve on the petition of Ezra Chase and Ebenezer Pierce, jun. releasing the right of the Commonwealth to certain real estate. Feb. 28, 1809.

On the petition of Ezra Chase, and Jerusha his wife, Ebenezer Pierce, jun. and Sally his wife, praying that such part of the real estate of Samuel Gilbert, late of Berkley, in the county of Bristol, an absentee, as was set off to Sarah Gilbert, wife of said Samuel Gilbert, as her thirds, or dower in said estate, may be vested

in the said Jerusha and Sally, they being the only heirs of the said Samuel and Sarah who are both deceased.

Resolved, That all such parts of the confiscated real estate of Samuel Gilbert, which was set off to Sarah Gilbert, wife of the said Samuel, as her thirds in said estate, during her natural life, the fee whereof, since her decease, is vested in this Commonwealth, be, and they are hereby given and granted to Jerusha Chase, wife of the said Ezra Chase, and Sally Pierce, wife of the said Ebenezer Pierce, jun. to have and to hold the same to them the said Jerusha Chase, and Sally Pierce, and their heirs and assigns forever, to be equally divided between them, the buildings standing on the same, having been built by the said Ezra Chase, are to remain the property of the said Ezra.

CCLXXVII.

Resolve rendering valid the doings of the town of Malden.
Feb. 28, 1809.

On the petition of the Selectmen of the town of Malden, in the county of Middlesex, stating that certain warrants for town-meetings in said town, have been signed by the Town Clerk only, by order of said Selectmen, and therefore not strictly legal, and praying that said warrants may be rendered valid, the want of the Selectmen's signatures notwithstanding.

Resolved, That all the warrants for calling town-meetings in said town of Malden, signed by the Town Clerk only, as aforesaid, be, and they hereby are rendered good and valid as though they had been signed by the Selectmen, and all proceedings otherwise legal, had under said warrants, be, and they hereby are, as fully ratified and confirmed as though said warrants had been signed by the Selectmen,

CCLXXVIII.

Resolve for releasing and confirming land to proprietors of Shawanon purchase in Berkshire. Feb. 28, 1809.

The Committee of both Houses to whom was referred the petition of Octavius Joiner and others, original proprietors, and purchasers under original proprietors, of the upper and lower Shawanon purchase (so called) situate in the towns of Egremont and Alford, in the county of Berkshire—praying this Honourable Legislature to confirm and establish them and others who are interested in the title of the lands contained in said purchase—The committee find that on the twentieth day of August, 1756, a petition of Jonathan

Willard, Ebenezer Baldwin, and others, inhabitants of lands lying to the westward of Sheffield, praying that they may be allowed to purchase the Indian right to said lands, was preferred to the Legislature of the then Province of the Massachusetts Bay—on which petition the committee find that the then Legislature, “ordered that the said petitioners have liberty to make one general purchase of the Indians claiming or owning the lands described in the said petition, and to take one general deed of them accordingly, to them the said petitioners, their heirs, and assigns forever, they paying the purchase consideration to the Indians—and Eldad Taylor, Esq. was appointed an agent” in behalf of the then Province of the Massachusetts Bay “to see that justice should be done to the Indians”—it appears that the said Taylor did attend and approved of the bargain and purchase, and also that a deed was given by the Indians; which deed the petitioners state, has been lost—Your committee having carefully investigated the subject, are unanimously of opinion, that the purchase was made, and that a deed was given, though no record or confirmation by the then Legislature can be found—they therefore beg leave to report the following resolution, which is respectfully submitted.

AZARIAH EGGLESTON, *per order.*

Resolved, for reasons set forth in said petition, and those above stated, that all the lands contained in the Upper and Lower Shawan non purchase (so called) and known and designated by that name as originally purchased of the Indians, shall be, and the same is hereby released and confirmed to the original purchasers and proprietors, their heirs and assigns forever, so that the Commonwealth aforesaid shall not have any right or claim thereto forever hereafter.

CCLXXIX.

Resolve on the petition of Thomas Powers, authorizing the Judge of Probate of Hampshire to extend commission of insolvency.

Feb. 28, 1809.

On the petition of Thomas Powers, stating that the benefits contemplated by a Resolve of the General Court passed on the twenty seventh day of February, in the year of our Lord, one thousand eight hundred and eight, authorizing the Judge of Probate for the county of Hampshire, to extend the commission of insolvency, by him issued on the estate of James Sloan, late of Greenwich in said county, deceased, have been, through accident and lapse of time, lost; and praying for a further extension of time in said commission for receiving, examining, and allowing claims on said estate:

Resolved, for reasons set forth in said petition, that the judge of Probate for the county of Hampshire, be, and he hereby is authorized to extend the commission of insolvency issued on the estate of said James Sioan, so as to allow the commissioners therein named, or by said Judge of Probate hereafter to be named and appointed, a further time of ninety days from the passing of this resolve, to receive, examine, and allow, any further claim or claims, which may appear to them just and reasonable, they giving notice of the time and place of their sitting, three weeks previous thereto, in the Hampshire Gazette, printed at Northampton, in said county: *Provided*, That the whole expense arising under this resolve, be borne by such creditor or creditors as shall prove new claims, in proportion to their respective claims.

CCLXXX.

Resolve granting John Andrews, jun. One hundred and seventy six dollars. Feb. 28, 1809.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth to John Andrews, jun. of Boston, the sum of One hundred and seventy six dollars, it being for money expended by him in bringing to justice, one John Roberts a fugitive from justice—and that the Lieutenant Governour be authorized to draw a warrant therefor in favour of the said Andrews.

CCLXXXI.

Resolve on the petition of Joseph Wales authorizing the Judge of Probate, for Worcester County to appoint persons to sell eleven acres of land in Lancaster. March 1, 1809.

On the petition of Joseph Wales. *Resolved*, That the Judge of Probate for the county of Worcester, be, and he is hereby authorized to appoint some suitable person, other than the above named petitioner, to make sale of eleven acres of land situate in Lancaster in the county of Worcester aforesaid estate of Abijah Willard late of said Lancaster deceased an absentee, and to settle said estate, such person so appointed, first giving sufficient bond for observing and conforming to the rules and regulations of the law in settling insolvent estates, and applying the proceeds of said sale to the payment of said Willard's debts:

And Whereas in March 1779, Levi Lincoln then Judge of Probate for the county of Worcester, pursuant to the power given by

the law respecting the estates of Absentees, appointed commissioners to receive and examine the claims and demands of the creditors to the estate of the said Abijah Willard, and report a true list to said Judge of all such claims, which report was made and accepted by said Judge, on the second day of October A. D. 1781, the several sums set against the respective persons names, amounting in the whole to the sum of five thousand five hundred and forty pounds, twelve shillings, and seven pence ; a part of which, viz. nine hundred and twenty nine pounds, nine shillings, was set against the name of Joshua Brackett, and as it appears from the Secretary's Office, that in January 1803, the said Joshua Brackett, received of the proceeds of the sale of two thirds of the estate of the said Abijah Willard, the sum of six hundred and thirty seven pounds, fourteen shillings, and five pence, and there being no evidence of the other creditors named in said report having received any part of their demands. *Therefore be it further resolved,* That the Judge of Probate for the county of Worcester aforesaid, be, and he is hereby directed to make no decree in favour of said Brackett's claim, until each of the other creditors to said estate named in said report shall have received so much of said Willard's estate as shall make them up equal with said Brackett in the distribution thereof.

CCLXXXII.

Resolve allowing Charles Vaughan, and Robert Hallowell, further time to settle certain townships. March 1, 1809.

On the petition of Charles Vaughan and Robert Hallowell, requesting further time to settle townships, marked B and C and township No. 3, in the 6th Range, and No. 5, in the 5th Range north of the Waldo Patent.

Resolved, for reasons set forth in said petition, that a further time of four years from the first day of June next, be allowed to the proprietors of the said Townships, their heirs and assigns, to settle the number of families upon said Townships required by their contracts with the Commonwealth, and that if the proprietors aforesaid, their heirs or assigns, shall, within four years from the first day of June next, settle on said Townships the number of families required by their said contracts, including the families already settled on the said townships, and also make and execute to each settler on said townships, who settled there before the first day of July, eighteen hundred and six, who did not settle under contracts with the said proprietors, their heirs or assigns, a good and sufficient warrantee deed of one hundred acres of land within the said

Townships, so as best to include the improvements of the said settlers, having respect to the lines of the lots as already surveyed and laid out, but not to include any mill seat upon which no mill has been erected, *Provided*, the said settlers, their heirs or assigns, shall within four years from the first day of June next pay to the proprietors of the land on which they are respectively settled the sum of one hundred dollars and interest for each hundred acres of land so settled on, that then the estate right and title of the said proprietors, their heirs and assigns, in and to said Townships shall be as valid, full and effectual to all intents and purposes as if the conditions of settlement expressed in the original Deeds of said Townships given by the agents appointed by the General Court to sell and convey the unappropriated lands in the District of Maine, had been fully and seasonably complied with: *Provided, nevertheless,* That the proprietors of the said Townships shall on or before the first day of October next give bonds to the agents for the sale of eastern lands in the sum of three thousand dollars, with sufficient surety or sureties to the satisfaction of the agents aforesaid, conditioned that the number of settlers required by the original grant of said Townships respectively to be settled on the said Townships, shall within four years from the first day of June next be settled on the said Townships or for the payment of thirty dollars to this Commonwealth for each family which shall at the end of said term be deficient.

CCLXXXIII.

Resolve authorizing the Treasurer to issue a new note to Ezekiel Robinson. March 1, 1809.

On the petition of Ezekiel Robinson, praying for a new note in lieu of one lost:

Resolved, That the Treasurer of this Commonwealth, be, and he is hereby directed to issue a new state note for twenty dollars and thirty eight cents, bearing the same number and date, at five per cent interest, and to endorse thereon such interest as has been paid on the note stated to be lost, the said Ezekiel Robinson first giving bond to the satisfaction of the Treasurer and his successors in office, conditioned to save the Commonwealth harmless from all demand therefor, on account of the note said to be lost as aforesaid.

CCLXXXIV.

Resolve granting David Slocum two hundred and sixty six dollars, for land lost by running the line between this State and Connecticut. March 1, 1809.

On the petition of David Slocum of Granville in the county of Hampshire, shewing that by the lots and former running of the line betwixt the Commonwealth of Massachusetts, and Connecticut, part of his farm has fallen within the state of Connecticut, and that he is thereby deprived of the same : *Therefore, Resolved,* There be allowed and paid out of the publick Treasury, the sum of two hundred and sixty six dollars to said David Slocum in full for lands taken from him by the running the line aforesaid.

CCLXXXV.

Resolve on the account of the Superintendent of the State Prison. March 2, 1809.

The Committee of Senate to whom was referred the annual account of Daniel Jackson, Esq. Superintendent of the State Prison, ending the first day of December last, have attended that service by examining the said account as transmitted by his Honour the Lieut. Governour, amounting to twenty three thousand, three hundred and seventy six dollars, and sixty six cents, which they believe to be correct, and finding a balance due to said Jackson on said account, of three thousand, seven hundred and seventy nine dollars and twenty two cents ; They ask leave to report the following Resolve :

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth to Daniel Jackson Esq. Superintendent of the State-Prison the sum of three thousand seven hundred and seventy nine dollars, and twenty two cents, it being the balance of his account in full to the first day of December eighteen hundred and eight, and His Honour the Lieutenant Governour, by and with the advice of Council is hereby authorized to issue his warrant accordingly.

Be it further resolved, That His Honour the Lieutenant Governour by and with the consent of Council, be, and he is hereby authorized to draw warrants upon the Treasurer of this Commonwealth in favour of the Superintendent, of the State-Prison, for such sums, and at such periods as he may deem expedient, not exceeding ten thousand dollars, to enable said Superinterdent to perform his contracts, and defray the expenses of said Prison the present year, he to be accountable for the same.

CCLXXXVI.

Resolve granting taxes to the several Counties. March 2, 1809.

Whereas the Treasurers of the several counties, have laid their accounts before the Legislature for examination, which accounts have been examined and allowed : And whereas the clerks of the courts of sessions for the said counties have exhibited estimates made by the said courts of the necessary charges which may arise within the said several counties for the year ensuing, and of the sums necessary to discharge the debts of the said counties :

Resolved, That the sums annexed to the counties contained in the following Schedule, be, and the same are hereby granted as a tax for each county respectively, to be apportioned, assessed, paid, collected, and applied, for the purposes aforesaid, according to law.

Suffolk, forty two thousand dollars,	42,000.
Essex, seven thousand one hundred and sixty dolls.	7,160.
Middlesex, ten thousand dollars,	10,000
Worcester, four thousand dollars,	4,000
Hampshire, four thousand dollars,	4,000
Berkshire, three thousand dollars,	3,000
Bristol, two thousand dollars,	2,000
Barnstable, two thousand one hundred dollars,	2,100
Norfolk, five thousand one hundred and eighty four dollars and eighty cents,	5,184 80
York, three thousand three hundred and sixty dolls.	3,360
Cumberland, five thousand dollars,	5,000
Kennebeck, six thousand dollars,	6,000
Washington, one thousand three hundred and ninety dls.	1,390

CCLXXXVII.

*Resolve discharging the Agents for the sale of Eastern lands from
ninety four thousand seven hundred and fifteen dollars, and forty
three Cents. March 2, 1809.*

The committee of both Houses, that were appointed to examine the accounts of the Agents for the sale of the Commonwealth's lands in the District of Maine have examined an account of their proceedings from the fourteenth day of February, one thousand eight hundred and seven, to the twenty third day of February, one thousand eight hundred and nine, wherein they acknowledge to have received in securities and money the sum of ninety four thousand seven hundred fifteen dollars and forty three cents, and that they have paid into the Treasury ninety four thousand seven hun-

dred fifteen dollars and forty three cents, in securities and money, all of which on examination appears to be well vouched and rightly cast : Therefore,

Resolved, That the Agents be, and hereby are discharged from the sum of ninety four thousand, seven hundred and fifteen dollars and forty three cents, which has been received by them as above mentioned.

CCLXXXVIII.

Resolve granting John Salomon Fazy further time to settle two Townships. March 2, 1809.

On the petition of John Salomon Fazy, late of Philadelphia, in the State of Pennsylvania :

Resolved, For reasons set forth in said petition, that a further time of four years from the first day of June next, be, and hereby is allowed to said John Salomon Fazy and to his Grantees and assigns to complete the settling duty in Townships number five, in the fifth range, and number four in the sixth range of Townships, north of the Waldo Patent, agreeably to the original contract. And if said John Salomon Fazy, his Grantees and Assigns shall within said time complete the settling duty required in the original grants in each of said Townships, that then the estate right and title of said Fazy, his Grantees and Assigns, shall be valid and effectual to all intents and purposes as if the conditions of settlement had been originally complied with : *Provided, nevertheless*, that the said John Salomon Fazy, shall on or before the first day of October next, give bond to this Commonwealth, in the sum of one thousand dollars, with securities to the satisfaction of the Agents for the sale of Eastern lands conditioned that the whole of the settling duty shall be performed within four years from the first day of June next, or for the payment of thirty dollars for each family which shall then be deficient.

CCLXXXIX.

Resolve on the petition of Jacob Welsh, directing the Attorney General to defend vs. James Martin. March 2, 1809.

On the petition of Jacob Welsh praying for the assistance of the Commonwealth in defence of certain suits brought by James Martin, to recover possession of certain lands in the county of Middlesex, which were conveyed by this Commonwealth with warranty :

Resolved, for reasons set forth in the petition, that the Attorney General of this Commonwealth, be, and he hereby is authorized to appear on behalf of said Commonwealth in the suits now depending in the county of Middlesex, brought by the said James Martin against William Cunningham and the said Jacob Welsh, respectively, for the recovery of parts of said lands, conveyed to said Jacob Welsh as aforesaid, to examine into the title of the said James Martin to the said lands; and the said Attorney General is further authorized and required on behalf of this Commonwealth, to defend against the claim of said Martin in said suits if he shall think it expedient, and not otherwise, and to substitute any other person to do and transact the said business in his stead, or any matter or thing thereto appertaining at his discretion.

And it is further resolved, That the Governour, by and with the advice and consent of the Honourable Council be, and he hereby is authorized and requested to issue his warrant on the Treasury for such sum, not exceeding One hundred Dollars, as the said Attorney General shall apply for to defray the necessary expenses of any of the services hereby required, for which sum the said Attorney General is to be accountable.

CCLXC.

Resolve allowing Jonathan L. Austin, Esq. late Secretary, one hundred and fifty dollars, of the fees in his hands, and discharging him on payment of the residue. March 3, 1809.

Whereas Jonathan L. Austin, Esq. late Secretary of this Commonwealth has represented to this court, that during the first year of his serving in the Office of Secretary, viz. from June eighteen hundred and six, to June eighteen hundred and seven, he received in fees of said office, seven hundred and twenty seven dollars, and seventy six cents, which sum was deducted out of his salary for the year following, and also that he received in fees of said office from June eighteen hundred and seven, to June eighteen hundred and eight, five hundred and three dollars, and forty eight cents, which last sum he has made application might be adjusted: Therefore,

Resolved, That considering the statement made of some extra services performed by said Jonathan L. Austin, Esq. while Secretary of this Commonwealth, that he be allowed to retain the sum of one hundred and fifty dollars of the money now remaining in his hands as a full compensation for said extra services. And that upon the payment of three hundred and fifty three dollars and forty eight cents into the treasury of this Commonwealth, he be, and

hereby is discharged from all demands of the Commonwealth against him for fees received by him as Secretary as aforesaid for the last year he served in that office, ending June eighteen hundred and eight.

CCXCI.

Resolve discharging the Attorney General upon his paying into the Treasury the balance in his hands. March 3, 1809.

Upon the report of Barnabas Bidwell, Esq. Attorney General stating the proceedings in the cases of Wm. H. McNeil against John Bright and others, James Martin against Lemuel Petts, James Martin against Sampson Woods and against Ebenezer Stone, Levi Sherwin, Zimri Sherwin, and Abner Adams, Oliver Eager and his wife, against the Commonwealth, and Abraham Munroe, James Martin against Winslow Parker, the Penobscot Indian deed, and the estate of William Morgan :

Resolved, That the balance due from said Attorney General to the Commonwealth, upon his account of receipts disbursments and services in the said cases is forty four dollars and seventy seven cents, upon the payment of which sum into the Treasury of this Commonwealth, the said Attorney General shall be discharged therefrom.

CCXCII.

Resolve discharging Isaac Oakman and Nathaniel Low from their recognizances. March 3, 1809.

On the petition of Isaac Oakman of Bangor, county of Hancock, and Nathaniel Low of Waterville, county of Kennebeck, shewing that the petitioners recognized in the sum of three hundred dollars each as sureties for the appearance of one Levi Low, before the Justices of the Supreme Judicial Court, which was to be holden at Castine within and for the said county of Hancock in June eighteen hundred and seven, and for his abiding the order and sentence of the said Court, that the petitioners together with others at their expense travelled many miles and made diligent search, but were unable to render the said Levi into Court before its adjournment, on which writs of scire facias, were sued out against the petitioners as well as the said Levi, that afterwards in July following, after a severe conflict the said Levi was committed to the Common Gaol in Castine, and in November following made his escape to places unknown to the petitioners, that at the next June term in said county, judgment was rendered against the petitioners, but execu-

tion stayed till February, eighteen hundred and nine, to give them an opportunity to apply to the General Court for relief :

Resolved, Therefor for reasons set forth in said petition, that the said Isaac Oakman, and Nathaniel Low be discharged from their respective recognizances aforesaid from the judgments rendered on the said writs of scire facias, severally, upon payment of the costs thereto appertaining.

CCXCIII.

Resolve granting thirty five dollars to Joseph Spaulding.
March 3, 1809.

Whereas Joseph Spaulding of Fairfield in the county of Kennebeck, one of the Constables of said town, while in the execution of the duties of his office on the eleventh day of January last, had his horse killed, by two persons disguised as Indians, and the said Joseph having petitioned this Court to afford him some relief :

Therefore resolved, That there be allowed and paid out of the Treasury of this Commonwealth to the said Joseph Spaulding the sum of thirty five dollars, and the Governor with the advice of Council is hereby authorized and empowered to draw his warrant in favour of said Spaulding on the Treasurer for said sum.

CCXCIV.

Resolve granting taxes to the Counties of Hancock and Dukes County. March 3, 1809.

On the representation of the committee on county estimates, stating that the estimates for county taxes in the Counties of Dukes County and Hancock, were not accompanied with the accounts of the Treasurers of those Counties, and as great inconveniencies may arise, if no tax is authorized for those Counties the present year :

Resolved, That the estimates made by the Court of Sessions for the County of Dukes County at the November term eighteen hundred and eight, amounting to six hundred dollars, and the estimate made by the Court of Sessions, for the county of Hancock at the November term eighteen hundred and eight, amounting to twenty five hundred dollars, be, and they are hereby granted as a tax for the said Counties of Dukes County and Hancock respectively, for the present year to be apportioned, assessed, paid, collected, and applied for the purposes aforesaid according to law.

And it is further resolved, The Treasurers of the said Counties of Hancock and Dukes County respectively, be, and they are hereby required and directed to produce their accounts as Treasurers at the first Session of the next General Court.

CCXCV.

Resolve authorizing the Treasurer to borrow fifty thousand dollars.
March 3, 1809.

Whereas the Treasurer of this Commonwealth has represented that the state of the Treasury may make it necessary for him to borrow fifty thousand dollars:

Be it therefore resolved, That the Treasurer of this Commonwealth, be, and he is hereby authorized and directed to borrow of the Boston and Union Banks any sum not exceeding fifty thousand dollars, that may at any time be necessary for the payment of the demands made on the Treasury. And that he repay any sum he may borrow as soon as money sufficient for that purpose shall be received into the Treasury, and not otherwise appropriated.

CCXCVI.

Resolve granting Thomas Wallcut, two hundred and fifty dollars.
March 4, 1809.

Resolved, That two hundred and fifty dollars be granted and paid out of the Treasury to Thomas Wallcut assistant clerk of the House of Representatives in full for his services the present Session of the General Court.

CCXCVII.

Resolve for paying Clerks of the two Houses. March 4, 1809.

Resolved, That there be paid out of the publick Treasury to Nathaniel Coffin, clerk of the Senate, and to Nicholas Tillinghast clerk of the House of Representatives, three hundred and fifty dollars each, and also to Samuel F. McCleary, assistant clerk of the Senate, two hundred and fifty dollars, in full for their services in their said offices the present Session of the General Court.

CCXCVIII.

Resolve for paying the Committee for examining and allowing accounts against the State. March 4, 1809.

Resolved, That there be allowed and paid out of the publick Treasury, to the Committee appointed to examine and pass on accounts presented against the Commonwealth for their attendance on that service during the present, and last Session, the sums annexed to their names respectively, in addition to their pay as members of the Legislature.

Hon. Thomas Hale, forty days, forty dollars.

Hon. David Perry, forty days, forty dollars.

Joseph Titcomb, forty days, forty dollars.

Silas Holman, forty days, forty dollars.

Nathan Fisher, thirty seven days, thirty seven dollars.

Which sums shall be in full, for their services aforesaid respectively.

CCXCIX.

Resolve granting two hundred dollars to pay assistant Clerks employed to expedite the publick business. March 4, 1809.

Resolved, That there be allowed and paid out of the publick Treasury two hundred dollars unto William Tudor, Esq. Secretary of the Commonwealth to pay for assistant Clerks, employed to expedite the publick business, he to be accountable for the same, and that his Honour the Lieutenant Governour be requested, by and with the advice and consent of the Council to draw a warrant on the Treasury accordingly.

CCC.

Resolve granting two Townships to Middlesex Canal proprietors. March 4, 1809.

On the petition of the proprietors of the Middlesex Canal in their corporate capacity, by the President Directors and Agent of the corporation, praying for a grant of land to enable them to extend the inland navigation from Boston, by clearing the obstructions of the river Merrimack, and the river Nashawa :

Resolved, For the reasons set forth in the petition that there be, and hereby is granted two townships of land of the contents of six miles square to be laid out and assigned from any of the unap-

propriated lands belonging to the Commonwealth in the District of Maine, excepting the ten townships lately purchased of the Penobscot Indians, and the land formerly contracted for by Jackson and Flint, the same to be vested in said proprietors in their corporate capacity and their successors forever, with full power and authority to sell, convey, and dispose thereof in such way and manner as shall best promote their interest in the extension and improvement of inland navigation especially on the river Merrimack and the river Nashawa, the same to be laid out under the direction of the committee for the sale of eastern lands, at the expense of the said proprietors : *Provided*, That there be reserved in each of said townships, three lots, of three hundred and twenty acres each for the following uses, viz. one lot for the first settled Minister, one lot for the use of the ministry, and one lot for the use of schools in said Townships Respectively.

CCCI.

Resolve granting a Township of land for the maintenance of the Professorship of Natural History, at Cambridge.

March 4, 1809.

Resolved, That there be and hereby is appropriated for the support and maintenance of the Massachusetts Professorship of Natural History established at Cambridge, one township of land to contain six miles square, and to be located, surveyed, and assigned, from any of the unappropriated lands belonging to the Commonwealth in the District of Maine, excepting the ten townships purchased of the Penobscot Indians and the lands contracted for by Jackson and Flint, under the direction of the committee for the sale of eastern lands, at the expense of the Massachusetts Society for promoting agriculture, and a plan thereof to be lodged in the Secretary's office, and that the trustees of said society be authorized to dispose of and sell the same land on the best terms they may be able, and that the Secretary of the Commonwealth for the time being, be empowered to make, and execute, good and legal deeds of conveyance to such person or persons, as said trustees shall direct, and the said trustees shall appropriate the proceeds of said sales for the maintenance and support of the said professorship, in conjunction with the other funds thereto belonging.

Provided, The trustees of said society or their assigns shall cause to be settled fifteen families in said township within twelve years from the passing of this resolve, and also that there be reserved in said township three lots, of three hundred and twenty acres each, for the following uses, viz. one lot for the first settled

minister, one lot for the use of the ministry, and one lot for the use of the schools in said township.

CCCII.

Resolve for compensating the Lieutenant Governour and Commander in Chief. March 4, 1809.

Resolve, That there be allowed and paid out of the publick Treasury to his Honour Levi Lincoln, Esq. for the time he has and may continue to execute the duties of Chief Magistrate of this Commonwealth, such sum as together with the compensation he is entitled to as Lieutenant Governour shall make his pay during such period, equal to that allowed by law to the Governour of this Commonwealth.

CCCIII.

Resolve for supplying an omission in the commission of Captain Samuel Webb, third. March 4, 1809.

The committee to whom was referred the petition of Samuel Webb, third, have considered the subject referred to in said petition and beg leave to report.

That on the twentieth day of April eighteen hundred and seven, Samuel Webb, third, was chosen Captain of a company of Militia in second Regiment, first Brigade, first Division of the Militia of this Commonwealth, that the return was made to the Adjutant General's Office, without the addition third, that a commission was issued to Samuel Webb, by which means he is deprived of the power necessary to perform the duties of a captain: Therefore,

Resolved, That the Commander in Chief be and he hereby is requested to direct the Adjutant General to make the addition of third, to the name of Samuel Webb, in the commission issued to the said Samuel Webb, on the said twentieth day of April eighteen hundred and seven, by the then Commander in Chief.

CCCIV.

Resolve on the petition of Josiah Willard, administrator of the estate of Josiah Willard deceased, authorizing the Treasurer to receive his bond. March 4, 1809.

Upon the petition of Josiah Willard administrator on the estate of Josiah Willard deceased, praying that his bond with sufficient

surety may be accepted in satisfaction of a judgment in favour of the Commonwealth against one William Blanchard :

Resolved, For reasons set forth in said petition that the Treasurer of this Commonwealth be, and hereby is authorized and directed to receive of Josiah Willard of Boston in the county of Suffolk his bond to said Commonwealth with sufficient surety to the satisfaction of said Treasurer conditioned, that he will pay or cause to be paid to said Commonwealth within two years from the first day of April next the amount of the debt contained in a certain judgment and execution in favour of said Commonwealth against one William Blanchard of Lancaster in the county of Worcester and the interest thereon from the rendition of such judgment to said time of payment, which same judgment was rendered by the Supreme Judicial Court holden at Worcester, within and for the county of Worcester, on the third Tuesday of September last, and when the same bond shall be received by the said Treasurer, he shall give to the said Josiah Willard a certificate that he has received such bond as aforesaid, and cause the same to be filed in the Treasurer's office, and the said Josiah Willard, or the said William Blanchard, upon producing to the Sheriff of said county of Worcester or any Deputy of his, who may have the execution aforesaid, an authentick copy of this resolve and the certificate aforesaid, and paying to such Sheriff or his Deputy the costs in such execution mentioned and the fees to which such Sheriff may be entitled upon the same, he shall be, and hereby is directed to return the same execution fully satisfied.

CCCV.

Resolve on the petition of Joseph Blake and others giving further time to settle townships. March 4, 1809.

On the petition of Joseph Blake and others :

Resolved, For reasons set forth in the said petition, that the further time of four years from the first day of June next be allowed to Joseph Blake his heirs and assigns, owners of township number one, in the fifth range north of the Waldo Patent, to complete the settlement of fifty families in said township; to Samuel Parkman his heirs and assigns owner of townships number eight in the eighth range, and number five in the sixth range, north of the Waldo Patent to complete the settlement of forty families in each of said townships; to John Peck and Benjamin Hichborn their heirs and assigns, owners of township number two, in the second range lying between Bingham's Million acres, and the line of New-Hamp-

shire, to complete the settlement of thirty families in said township; to William Phillips, his heirs and assigns, owner of township number one, of the townships of eight, lying between the river Androscoggin and Kennebeck, as surveyed by Samuel Titcomb, in the year seventeen hundred and ninety three, to complete the settlement of thirty families in said townships; to Benjamin Joy and others, of their heirs and assigns owners of townships number six, and eight being two of the townships of eight aforesaid to complete the settlement of thirty families in each of said townships, and to complete the settlement of forty families in township number four, in the first range, and to complete the settlement of thirty families in each of the following townships, viz. number two in the fourth range, number two in the third range, and number three in the fourth range, lying north of the Waldo Patent; to William Dodd his heirs and assigns, owner of township number six in the eighth range, north of the Waldo Patent, to complete the settlement of forty families in said township; to Benjamen Bussey his heirs and assigns, owner of township number four, in the fourth range lying between Bingham's Million acres and the line of Newhampshire, to complete the settlement of thirty families in said township; to Leonard Jarvis, and others, their heirs and assigns, owners of townships number seven and eight, and a gore of land lying north of said townships, all lying between Penobscot river, and the Lottery townships, to complete the settlement of twenty six families, in each of said townships, and to complete the settlement of eight families, on said gore of land aforesaid, And that if said Blake, Parkman, Peck and Hitchborn, Phillips, Joy, Dodd, Bussey, Jarvis, or either of them, their heirs or assigns shall settle within said time the said number of families (including those already settled) on said townships or tracts respectively, that then the estate right and title of said Blake, Parkman, Peck and Hitchborn, Phillips, Joy, Dodd, Bussey and Jarvis, or either of them, and their heirs and assigns, shall be valid full and effectual to all intents and purposes, as if the conditions of settlement expressed in the original deeds given of the said townships and gore aforesaid by the committee appointed by the General Court to sell and convey the unappropriated lands, in the District of Maine had been fully and seasonably complied with: *provided, nevertheless,* that the said Blake, Parkman, Peck and Hitchborn, Phillips, Joy, Dodd, Bussey and Jarvis, aforesaid, their heirs or assigns, shall on or before the first day of December next, severally give bonds to this Commonwealth, with sufficient surety or sureties to the satisfaction of the Agents for sale of eastern lands, conditioned that the number of families severally required in said original deeds to be settled on said lands, shall within the said term of four years be settled on said townships

and gore of land, or for the payment of thirty dollars for each family which shall then be deficient.

CCCVI.

Resolve for paying Isaac Fisk, and Henry Wilson, members of the House, omitted in the pay roll. March 4, 1809.

Resolved, That there be paid out of the publick Treasury to Isaac Fisk, Esq. a member of the House of Representatives from the town of Weston, three dollars for his travel, and thirty dollars for his attendance during the present session of the General Court. And that the Treasurer be, and he hereby is directed to charge the said sum of thirty dollars to the said town of Weston, that, the same may be added to the proportion of said town in the next State tax.

And be it further resolved, That there be paid out of the Treasury to Henry Wilson, a member of the House of Representatives from the town of Topsham thirty two dollars for his travel, and eighty dollars for his attendance the present Session of the General Court, and that the Treasurer be, and he hereby is directed to charge said sum of eighty dollars to said town of Topsham, that the same may be added to the proportion of that town in the next State tax.

CCCVII.

Resolve for paying Thomas Perkins, Esq. member of the House, omitted on the pay roll. March 4, 1809.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to Thomas Perkins a member of the House of Representatives from the town of Arundell, twenty one dollars for his travel, and eighty dollars for his attendance during the present session of the General Court. And that the Treasurer be, and he hereby is directed to charge the said sum of eighty dollars to the said town of Arundell in order that the same may be included in the proportion which said town shall be assessed to pay in the next State tax.

CCCVIII.

Resolve granting Nathaniel Brown, and Jared Carrol five hundred dollars, for apprehending Counterfeitors. March 4, 1809.

Whereas Nathaniel Brown, and Jared Carrol have represented to this Court, that in the course of the year past, they have employ-

ed much time, and expended considerable sums of money, in the detection and pursuit of sundry counterfeiters of bank bills, and that by their vigilance and exertions two persons have been indicted convicted and sentenced to the States Prison, and two other persons, viz. Jesse Homer, and Amos Wheeler, indicted and recognized with sureties for their appearance at Court, but failing to appear have forfeited their recognizances, each in the sum of five hundred dollars, to which sums the Commonwealth has thereby become entitled, and legal process is issued for the collection thereof.

Resolved, That there be allowed to the said Nathaniel Brown and Jared Carrol, the sum of five hundred dollars to be paid them, out of the sums of money which may be collected on the recognizances aforesaid, and not otherwise, the payment to be made by the Attorney, or Solicitor General, or Treasurer of the county of Suffolk, whoever of them shall have received the same for the Commonwealth, and the receipt of the said Brown and Carrol shall be a sufficient voucher to that amount, for said Attorney, or Solicitor General, or county Treasurer, in his settlement of his account.

CCCIX.

Resolve for paying the Chaplains of the General Court.
March 4, 1809.

Resolved, That there be allowed and paid out of the publick Treasury of this Commonwealth to the Rev. Joseph S. Buckminster, Chaplain of the Senate, and to the Rev. Charles Lowell, Chaplain of the House of Representatives the sum of sixty dollars each, in full for their services respectively during the present year.

CCCX.

Resolve granting Isaac Burnham of Wells, three hundred dollars, in consideration of a wound and expenses. March 4, 1809.

On the petition of Isaac Burnham of Wells in the county of York, a private in a company of cavalry, commanded by captain Nathaniel Frost, in the first Brigade, in the sixth division of the Militia of this Commonwealth praying for relief in consideration of an extreme bad wound received on his left leg, while on his return from military duty on the twenty ninth day of September, one thousand eight hundred and six :

Resolved, For reasons set forth in said petition, that there be allowed and paid out of the publick Treasury to the said Isaac

Burnham, three hundred dollars in full consideration for all expenses and loss of time incurred in consequence of said wound.

CCCXI.

Resolve granting to Nathaniel Coffin, Esq. one hundred and sixty dollars, for making an Index to Senate Journals.

March 4, 1809.

Resolved, That there be paid out of the Treasury of this Commonwealth, the sum of one hundred and sixty dollars to Nathaniel Coffin, in full for his services in making an Index to the Senate Journals, from the year 1790 to the year 1808, both inclusive, also in full for money paid by him for assistance therein and for money paid by him, for copies of the memorial of this Legislature to the Congress of the United States.

CCCXII.

Resolve granting fifty dollars to the Gentleman who shall preach the next election sermon. March 4, 1809.

Resolved, That the gentleman who shall preach the next election sermon on the last Wednesday of May next, be allowed and paid fifty dollars from the Treasury of this Commonwealth.

CCCXIII.

Resolve authorizing the Messenger to make all necessary repairs to the State House. March 4, 1809.

Resolved, That the Messenger of the General Court, be, and he hereby is authorized and directed to employ some suitable person or persons, to make all necessary repairs to the State House, and to lay his account before the committee on accounts for allowance.

CCCIV.

Resolve authorizing Samuel Freeman as Guardian to join in conveyance of half a certain Farm to Jonathan White.. March 4, 1809.

On the petition of Samuel Freeman, as Guardian in behalf of the Minor heirs of Stephen Gerould late of Sturbridge yoeman deceased

praying to be empowered to join with the other heirs, who are of age, to recover certain land to Jonathan White, of said Sturbridge yeoman.

Resolved, That the said Samuel Freeman, in his capacity as Guardian to the minor heirs of the said Stephen Gerould, be, and he is hereby authorized and empowered to join with the other heirs of the said Stephen Gerould, to reconvey by deed, one half of the farm of the said White, by him conveyed to the said Stephen for the consideration of one hundred and thirty two dollars, upon the said Jonathan White's paying back to the heirs of the said Stephen the above mentioned sum together with legal interest thereon, which shall be considered as belonging to the personal estate of the said Stephen Gerould.

CCCV.

Resolve granting Sylvanus Lapham additional pay. March 4, 1809.

Resolved, That there be allowed and paid out of the publick Treasury of this Commonwealth unto Sylvanus Lapham one dollar per day from the twenty fifth day of January last, until the close of the present Session of the General Court over and above his usual pay for his services as assistant to the messenger of the General Court.

Roll No. 60. January 1809.

THE Committee on accounts having examined the several accounts, they now present,

REPORT, That there are due to the corporations and persons hereafter mentioned, the sums set to their names respectively, which, when allowed and paid, will be in full discharge of the said accounts to the several dates therein mentioned, which is respectfully submitted.

THOMAS HALE, *per order.*

Pauper Accounts.

D. C.	
92. 50	Town of Ashfield, for boarding and clothing Mary Aldrich and children, and sending them out of this Commonwealth,
175. 24	Adams, for boarding, clothing and nursing Freeman Blakely, Susanna Camp, Ann Wallin, and two Children of Lydia Daly, to 15th January, 1809, and Joseph Forinea to time of his going out of the State, and Lydia Daly to the time of her death, and funeral charges,
11. 22	Attleborough, for boarding, nursing and doctoring Reuben Purchase, to the time of his going out of this Commonwealth,
115. 56	Augusta, for boarding, clothing, nursing and doctoring Lydia Gordon, to 28th December, 1808,
123. 20	Andover, for boarding, clothing and doctoring, Patrick Callahan to 1st February 1809, and William Darp and Thomas Walker to the time of sending them out of the State,
101. 40	Bridgewater, for boarding and clothing William Blackly and Frederick Brigner to 10th February, 1809, and Henry Ash to the time he removed to Taunton,
88. 48	Cookfield, for boarding, clothing and nursing, George Basiington, and Thomas Boyd to 2d January, 1809
65. 00	Eoxford, for boarding, clothing and nursing Mehitable H into 2d January, 1809,
13. 00	Elchertown, for boarding, clothing, and doctoring Amos Ames and Wife, to time of sending them out of this State,
675. 40	Everly, for boarding, clothing and doctoring, sundry Paupers to 1st February, 1809,
190. 00	Duckland, for boarding, clothing, nursing and doctoring William Negus to 1st of February, 1809,

Brimfield, for boarding, clothing and doctoring John Wakely to 7th February, 1809,	97 33
Billerica, for boarding, clothing and doctoring Michael Taylor to 8th February, 1809, and William Love and Wife, to 30th January, 1809,	166 20
Brewster, for boarding and doctoring Joshua Crofts, to the time of his going away,	29 56
Boston, Board of Health, for boarding, nursing and doctoring sundry Paupers, on Rainsford Island, to 20th January, 1809,	696 00
Brookline, for boarding and clothing Jacob Harvey to 23d February, 1809,	67 20
Barre, for boarding, clothing and doctoring Andrew Barrett and family to the time of their leaving this State, and John C. Dandrich to the 3d of February, 1809,	62 30
Boston, for boarding and clothing sundry Paupers to 1st December, 1808,	5978 41
Cambridge, for boarding and clothing, Stephen Bell, John Wilkins, Robert Stimpson, James Barker, John Damother and Joseph Shepherd, to 27th January, 1809,	138 28
Coleain, for boarding clothing and doctoring, Sally Leomineer, and two children of Sally Gardner, and two children of Henry Rogers to 4th January, 1809,	167 76
Charlton, for boarding, clothing and doctoring Edward Maden to 1st January, 1809,	65 05
Conway, for boarding, clothing and doctoring Hannah M'Neil to 22d January, 1809,	12 00
Cape Elizabeth, for boarding, clothing and doctoring James Ramsbottom, George Jehays and Abram Bricks to 5th February, 1809,	195 44
Charlestown, for boarding, clothing, nursing and doctoring sundry Paupers, to 21st January 1809,	392 97
Concord, for boarding, clothing and doctoring Robert M'Conville, John Yutt, Francis Le Gross, John Barr, and Case, a negro, to 30th January, 1809, and William Shaw, to the time of his death, including funeral charges,	243 11
Carlisle, for boarding and clothing Robert Barber, to 21st January, 1809,	47 48
District of Dover, for boarding and clothing Patrick Cowan, to the time of his death, including funeral charges,	106 00
Deerfield, for boarding, clothing, nursing and doctoring William Clarrick, to the time of his death and funeral charges,	24 75

Dunstable, for boarding, clothing and doctoring Margaret Lane, to 3d February, 1809,	62 17
Dracut, for boarding and clothing Richard Baker and Lucy Jaquith, to 1st February, 1809,	114 03
Danvers, for boarding, clothing and doctoring Jane Duckedy, Ruth Parsons, John Brown, and James Leo, to 7th February, 1809,	155 29
Dresden, for boarding and clothing John Collins, to 1st January, 1809,	67 20
Dedham, for boarding, clothing and doctoring Eleanor Carryl, to 1st January, 1809,	40 00
Doggett, Samuel, under keeper of the goal in Dedham, for boarding and clothing James Hatchel, Sylvester Belding, and James Morey, to 28th January, 1809,	141 22
Dighton, for boarding, clothing and doctoring Jacob Albert, to 20th February, 1809,	36 51
Deblois, George, keeper of the Alms-House in Boston, to 1st December, 1808,	403 50
Egremont, for boarding and clothing Mary, Elizabeth, Joseph, and Benjamin Daly, and Benjamin Randall, to 7th January, 1809,	306 00
East Hampton, for boarding and doctoring John Hall, to 1st February, 1809,	41 50
Falmouth, in county of Barnstable, for boarding and clothing Edward Edwards, to 19th January, 1809,	17 50
Fayette, for boarding and clothing William G. Martin, to 1st January, 1809,	102 92
Glenfield, for boarding, clothing and doctoring Eunice Converse, to 22d January, 1809, and James Logan to the time of his death, including funeral charges,	114 20
Great Barrington, for boarding, clothing, nursing and doctoring, Isaac, Catharine, and Mary House, and John Wittie, to 26th December, 1808, and Polly Drum, and two children, and Jonathan Stephens, to the time of their going out of the Commonwealth,	205 04
Gorham, for supporting Robert Gilfilling, to the 30th January, 1809,	58 74
Groton, for boarding, clothing, nursing and doctoring John C. Wright and Wife, the widow Bentrott, and William Lepere, and wife, to 10th January, 1809,	364 61
Gorham, John, for doctoring State Paupers, in Alms-House in Boston, to 15th May, 1808,	400 00
Granby, for boarding, clothing and doctoring Ebenezer Darwin and John Murray, to 31st January, 1809,	131 86

Greenwich, for supplies to Elizabeth Harrington and child, to 23d January, 1 09,	26 32
Gill, for boarding and clothing, Sarah Hambleton, to 25th January, 1809,	61 59
Gloucester, for boarding, clothing and doctoring sundry Paupers, to 10th November, 1808,	940 06.
Hadley, for boarding, clothing and doctoring George Andrews and wife, Friday and wife, and Marcena Potter, to 1st January, 1809,	187 52
Hiram District of, for boarding, clothing and doctoring Daniel Hickey, to 31st December, 1808,	54 75
Haverhill, for boarding, clothing and doctoring William Tapley, to 1st January, 1809, and Mary Kenny, and William Kenny, to time of removing them out of this State, and Dr. Bricket's bill, for Phillip Sleu, and William Taply, heretofore omitted,	111 50
Hudson John, for dieting sundry Paupers, in Salem gaol, to the 26th October, 1808,	268 92
Heath, for boarding, clothing and doctoring, Content Stark and child, to the time of sending them out of this State,	101 20
Hopkinton, for boarding and clothing James Roach, to 4th February, 1809,	67 20
Hodgkins Joseph, keeper of the house of correction in Ipswich, for boarding, clothing and doctoring Mary Aidlaide, Huldah Hicks, John Squires, and James Calhoun, to 1st February, 1809,	242 20
Hartshorn Oliver, keeper of the goal in Boston, for supporting sundry poor debtors, confined in goal to 11th February, 1 09,	979 18
Hallowell, for boarding, clothing and doctoring Rachel Cumming, Jonathan Power's two children, Mattrassa Powers, David Brown and family, James Carouth, and Edward French, to 1st January, 1809, and Mrs. Carouth to time of her death, including funeral charges,	562 90
Ipswich, for boarding and clothing, John S. Thoman, John Obrian, and Francis Lao, to 2d Feb. 1809,	122 50
Leyden, for boarding, clothing and doctoring, Elizabeth Wagner, Jedediah Fuller and family, to 21st January, 1809, and Lanphere's wife and four children, to the time of sending them out of the Commonwealth,	211 81
Leicester, for boarding and clothing Lydia Dunham, to 1st February, 1809,	48 70
Lenox, for boarding and clothing Abram Palmer and child, to 27th January, 1809,	69 52

Lincoln, for boarding and nursing Thomas Pocock, to 1st February, 1809,	86 00
Lunenburg, for boarding, clothing and doctoring Felix, Tool, to 25th January, 1809, and George W. Shute to time of his death and funeral charges,	156 44
Lee, for boarding, clothing, nursing and doctoring Job Perry and family, to the time of removing them out of this Commonwealth,	100 00
Lynn, for boarding, clothing and doctoring Richard Neal, John Battis, Nancy Carter and child, William Hawkman, George Cammel, and John Kirby, to 8th Feb. 1809,	443 78
Lincolnville, for boarding, clothing and doctoring Alexander White, to 14th February, 1809,	87 43
Littleton, for boarding, clothing and doctoring Richard Crouch, and John Putnam, a black man, to 11th February, 1809,	160 93
Lymington, for boarding, clothing and doctoring John Oryan, to 1st January, 1809,	68 10
Marshfield, for boarding and clothing Philip Mitchell, to 15th May, 1808, and Peggy Mitchell, to time of her death and funeral charges,	124 04
Mount-Vernon, for supplying and doctoring John Barrett, to time of his going out of this State,	10 00
Monson, for supplying and doctoring William Frazier, to time of his going away,	10 50
Monmouth, for boarding and doctoring Joseph Richards and wife and child, to 31st January, 1809,	15 86
Marlborough, for boarding, clothing and doctoring Joseph Waters, to 7th February, 1809,	68 68
Marblehead, for boarding, clothing and doctoring sundry Paupers, to 6th February, 1809,	795 14
Middleborough, for boarding and clothing John Fitzgerald, to 10th January, 1809,	67 20
Methuen, for boarding, clothing and doctoring Betty Dickerman, and Thomas Pace, to 1st January, 1809,	85 53
Manchester, for boarding, clothing and doctoring Thomas Douglas, to 2d February, 1809,	74 90
Masson, for boarding, clothing and nursing, Thomas Webster, John Murry, and Rebecca Welsh and her three children, to 23d February, 1809,	221 00
Manning Thomas, for doctoring State paupers, in town of Ipswich, and house of correction, to 2d February 1809,	44 70

Nantucket, for boarding and clothing Ellina Jones, James Plato, and John Williams, and Aaron Cuffy to 12th January, 1809, and Francis M. Young, to time of sending him out the State,	200 48
North-Yarmouth, for boarding and clothing Wm. Elwell, to 1st January, 1809,	103 60
New-Gloucester, for supplying John May, and Joseph Gregory, to 21 January, 1809,	50 00
Northfield, for boarding, clothing and doctoring Rich- ard Kingsbury, to 25th January, 1809,	98 20
Newton, for funeral expenses of Laurence M'Donald,	4 00
New-Bedford, for boarding, nursing and doctoring Martin, Joseph, and George Gono sent to 1st February, 1809,	43 50
Newbury, for boarding, clothing and doctoring sundry Paupers, to 1st January, 1809,	956 28
Newburyport, for boarding, clothing and doctoring sun- dry Paupers, to 1st January, 1809,	2079 74
Oxford, for boarding, clothing and doctoring Catharine Jordan, to 1st January, 1809	62 00
Orleans, for boarding and doctoring Joshua Crofts to 22d June, 1808,	3 17
Overseers of Marshpee Indians, for boarding and clothing Elizabeth Isaacs, Quosha Bulkin, and Francis Martin, to 10th January, 1809,	160 02
Palmer, for supporting, William Menden and wife to 5th January, 1809,	138 77
Prospect, for boarding and clothing, Anna Hanes to 30th April, 1808,	78 00
Petersham, for supporting John Howard, to 21st May, 1808,	55 30
Peru, for supplies to James Robbins and family, to 2d November, 1808,	17 82
Plainfield, for supplies to James Harrison and family till removed out of this State	49 49
Pittsfield, for boarding, clothing and doctoring Peter Heon to 8th January, 1809	71 97
Pelham, for boarding, nursing and doctoring John Dunally to time of his death and funeral charges,	31 50
Portland, for boarding, clothing and doctoring sundry Paupers to 1st January, 1809,	1601 43
Quincy, for boarding and doctoring William Oliphant, to 11th February, 1809,	75 00
Rehoboth, for boarding and clothing William Pike, Lief Mason and child, to 20th October, 1808, and	

Richard Bolton, to the time of his death and funeral charges,	90 00
Rowe, for supporting Lydia Carpenter, to the time of her leaving the State, and three children to 2d May, 1808,	138 85
Rowley, for boarding, clothing and doctoring Hannah Harris to time of her death, and funeral charges, and Ella Colling, to 1st January, 1809,	126 03
Rutland, for boarding, clothing and doctoring William Henderson, to 20th January, 1809,	48 53
Roxbury, for boarding, clothing and doctoring sundry Paupers, to 3d January, 1809,	563 08
Reedfield, for supporting Catharine Canton, and removing her out of this State,	10 00
Russell, for supporting and doctoring John Newton and wife, to 29th January, 1809,	42 41
Reading, for boarding, clothing and doctoring Samuel Bancroft, to 25th January, 1809, and Thomas Grant,	130 09
St. George, for boarding and clothing Robert Haws, Eleanor Mathews, and William Benson, to 4th Nov. 1808,	56 10
South Hadley, for supplies and doctoring to Peter Pendergass, to 6th January, 1809,	63 07
Standish, for boarding and clothing Alice Noble, to 1st January, 1809,	52 00
Scituate, for boarding, clothing and doctoring John Woodward, and Lucy Whitney and two children to 6th June, 1808,	59 79
Stockbridge, for boarding, clothing and doctoring Seely Peet, Jeremy Elky, Sarah Hosford, and Mary Loud, to 5th December, 1808, and Hugh Neal, to the time of his leaving this State,	257 97
Sidney, for boarding, clothing and doctoring John and Henry Lyons, to 1st January, 1809,	57 20
Shirley, for boarding, clothing and doctoring James Shirley, Simon Cox, and Rodrich M'Kinsey and wife, to 31st January, 1809,	181 23
Sherburne, for supporting Benjamin Haughton, to 29th January, 1809,	56 00
Sheffield, for boarding, clothing and nursing William Mc'Gee, and Guy, a negro, to 1st September, 1808, and removing Elisha Freeman, and Miss Everist out of this Commonwealth,	288 28
Sturbridge, for supplies and doctoring for Jonas Banton, to 31st December, 1808,	49 10

Springfield, for boarding, nursing and doctoring John Padley, to time of his leaving this Commonwealth,	35 30
Sudbury, for boarding and clothing John Whiton, to 12th February, 1809,	67 20
Spencer, for supporting and doctoring Peter Eager, to the time of his going away,	11 05
Swansea, for boarding and clothing Thomas Colony, to 4th February, 1809,	49 79
Southwick, for boarding and clothing George Read, to 1st January, 1809,	67 20
Stoneham, for boarding and clothing John H. Clamrod, to 20th February, 1809,	65 69
Sterling, for boarding, clothing, doctoring and nursing Joseph Hyde, to 5th February, 1809,	186 64
Salem, for boarding and clothing sundry paupers, to 1st January, 1809,	3572 07
Topsfield, for supporting Thomas Comerford, to 11th November, 1808,	66 70
Tisbury, for boarding, nursing and doctoring Joseph Alvarez to 15th January, 1809,	50 00
Tyringham, for boarding and clothing Ralph Way, to 1st January, 1809,	60 08
Taunton, for boarding, clothing and doctoring Hannah Goff, Henry Ash, Edmund Shores, Manuel Disnips, David D. Kelly, and supplies to Robert Wilson, jun. to 21 January, 1809,	264 96
Troy, for boarding and clothing Francis Brow, to 21st February, 1809,	96 50
Tyngsborough District of, for boarding, nursing and doctoring Lydia Richardson, to time of her death,	21 00
Townsend, for supporting and doctoring John Brinton, to the time of sending him out the State,	18 45
Uxbridge, for boarding, clothing and doctoring Betty Trifle, David Mitchell, and Patience Hazard, to 1st February, 1809,	187 00
Vinalhaven, for boarding, clothing and doctoring Andrew Higherdale, to 3d January, 1809, and William Procter, to 25th December, 1808,	148 77
Warwick, for boarding, nursing and doctoring James Harvey to the time of his leaving the State, and Samuel Griffith to 24th January, 1809,	55 57
Windsor, for boarding and clothing, Henry Smith and wife, to 27th December, 1808,	54 71
Winthrop, for boarding and clothing, William Gaskell to 3d January, 1809,	60 00
M m	

Wayne, for boarding, clothing and nursing, Sally Allard, to 6th November, 1808,	128	86
West-Springfield, for boarding, clothing and doctoring William Bell and James Aldrich, and Sarah Felts child, to 15th January, 1809,	77	18
Westford, for boarding, clothing and doctoring Phillip Jackson, Patty Gardner, and Christopher Stephens, to 24th January, 1809,	99	66
Warren, for boarding and clothing William Moorman, to 4th January, 1809,	52	00
West-Stockbridge, for boarding, clothing and doctoring Lucy Lane and Polly Carr, to 1st January, 1809,	79	00
Williamstown, for boarding, clothing and doctoring Ra- chel Galusha, Stephen Blue, Morrice Fowler, Robert Morrell and Charles Mc'Carthy, to 24th January, 1809,	275	68
Worcester, for boarding, clothing and doctoring, Peter Willard, Henry Bratz, Jack Melvin and wife, Sarah Cook, Samuel Whittier and Peter Eager, to 1st January, 1809,	278	77
Washington, for boarding and doctoring, Desire Kennedy to 6th January 1809 and Phebe Clark to 4th Novem- ber, 1808,	93	88
Woburn, for supporting Dorothy Linham and children to 22d December, 1808,	42	80
Walpole, for boarding and Clothing, Sally Davis and Robert Clew, to 1st January, 1809,	113	95
Westfield, for boarding, clothing and doctoring, William Davis to time of his death and funeral Charges,	78	00
Yarmouth, for boarding, clothing and doctoring James Deagle, to 15th January, 1809, and William Foward, to time of his removal out the State,	163	p5
York, for boarding and nursing Edward Perkins and wife, Nicholas Tuttle, Mary Crocker, Sarah Avery, Edward Voudy, and Amos Caswell, to 1st February, 1809,	325	55
Total Paupers	dollars.	34752 06

Military Accounts.

Courts Martial and Courts of Inquiry.

Bates Elkanah, for the expense of a Court of Enquiry on
11th July, 1808, whereof Nathaniel Fales was Presi-
dent,

57 77

Bates, Elkanah, for the expense of a Court of Inquiry 1st April, 1808, whereof Daniel Gilbert was President,	17 31
Hamlin, Hannibal, for the expense of a Court Martial on the 28th June, 1808, whereof Amos Hastings was President,	69 96
Tilden, B. P. for the expense of a Court Martial, on 15th November, 1808, whereof Johnson Mason was President,	139 43
Tilden, B. P. for the expense of a Court of Inquiry on 25th July, 1808, whereof Maj. Stoddard was President,	16 16
Court of Inquiry on the 14th September, 1807, whereof Luther Lawrence was President, to each Member as per Pay Roll,	7 96
Court of Inquiry commenced on the 13th October, 1808, whereof Lemuel Weeks was President, to each Member, Witness, &c. as per Pay Roll,	86 97

Brigade Majors, Aid D. C. and Judge Advocates.

Ayer, James, to 8th February, 1809,	96 18
Bliss, Joseph, to 29th January, 1809,	53 34
Bates, Elkanah, to 8th February, 1809,	66 8
Bastow, Sumner, to 25th January, 1809,	87 55
Brown, C. Henry, to 3d February, 1809,	69 03
Curtis, Jarred, to 23d January, 1809,	55 85
Clapp, Jeremiah, to 27th February, 1809,	202 2
Dewey Stephen, to 24th September, 1808,	17 13
Davis, Charles, to February, 1809,	39 65
Fisher, Jacob, to 15th January, 1809,	91 20
Elwell Robert, to 16th January, 1809,	90 40
Goddard William, 7th January, 1809,	144 40
Gannett Barzillai to 1st January, 1809,	66 63
Hubbard, Dudley, to 30th January, 1809,	69 50
Hayward, Nathan, J. Ad. to January, 1809,	11 05
Hammatt, William, to 26th January, 1809,	50 75
Hoyt, Epaphras to 31st December, 1808,	102 70
Hight, William, to 21st January, 1809,	67 50
Howard Samuel, 25th December, 1808,	197 02
How Estes, to 1st February, 1809,	59 00
Hamlin Hannibal, to February, 1809,	165 65
Hayward Nathan, to January, 1809,	41 75
Merril Abel, to 18th January, 1809,	25 00
Pierce Joseph, to 6th February, 1809,	27 05
Rogers, Benjamin, to 20th January, 1809,	25 00

Smith, Erastus, to 1st January, 1809,	28 00
Sweet, Daniel, to 15th February, 1809,	22 50
Thayer, M. Samuel, to 23d February, 1809,	120 50
Tilden, B. P. to 31st December, 1808,	66 20
Ulmer, Charles, to 20 January, 1809,	34 20
Whiting, Timothy, to 13th January, 1809,	67 15
Wood, Samson, to 24th January, 1809,	76 48

Adjutants.

Arms, Pliny, to 24th January, 1809,	68 15
Allen, C. Shobal, to 20th February, 1809,	40 25
Buckland, Joseph, to 18th December, 1808,	31 13
Beale, John, to 10th January, 1809, including further al- lowance on his account for 1806, omitted in Roll 56.	135 77
Brooks, Aaron, to 13th December, 1808,	19 75
Bagley, Abner, to 21st December, 1808,	17 75
Backus, Zenas, to 11th January, 1809,	79 17
Bishop, Jacob, to 1st January, 1809,	28 98
Bickett, Moses, to 14th February, 1809,	18 03
Brigham, Elijah, Jun. to February, 1809,	80 37
Bullin, Moses, to 21st February, 1809,	36 56
Bliss, George, to 25th February, 1809,	259 00
Boynton, Joseph, to February, 1809,	59 60
Bates, Isaac C. to 27th February, 1809,	55 04
Baker, Allen, to 16th November, 1808,	21 51
Child, Thomas, to 10th January, 1809,	61 50
Chaffee, Jonathan, to 29th December, 1808,	26 08
Cushman, James, to 1st January, 1809,	34 57
Callender, Benjamin, to 29th December, 1808,	51 58
Curtis, Joseph, to 21st December, 1808,	18 01
Coffin, Nathaniel, to 27th October, 1808,	26 88
Clap, Ebenezer, to 11th January, 1809,	17 58
Chcever, Nathaniel, to 11th February, 1809,	44 12
Crane, Nathan, jun. to January, 1809,	29 00
Donnison, William, Adjutant General, for his services for the year 1808,	1040 00
Dodge, David, to 2d January, 1809,	38 05
Elwell, Robert, to 15th September, 1808,	73 25
Frost, Timothy, to 26th December, 1808,	42 19
Foot, Elisha, to February, 1809,	26 10
Fletcher, Samuel, to 22d February, 1809,	30 49
Fairfield, John, to 22d February, 1809,	21 97
Gates, Isaac, to January, 1809,	68 67
Gage, Nathaniel, to 14th February, 1809,	15 12

Getchell, Ephraim, to 15th January, 1809,	38	80
Huntington, Samuel, to May, 1807,	17	86
Haskell, Jacob, to 14th January, 1809,	29	17
Huggens, Benjamin, to 25th December, 1808,	49	63
Hoad, Joseph, to 20th December, 1808,	12	72
Houghton, Thomas, to January, 1809,	41	03
Hinman, Ransom, to 26th January, 1809,	34	83
Holland, Samuel, to 3d February, 1809,	59	09
Hayden, Charles, to 7th February, 1809,	25	02
Hayden, Samuel, to 16th February, 1809,	60	98
Jones, Amos, to 1st January, 1809,	6	25
Jones, Amos, of Gerry, to 20th January, 1809,	36	36
Jeffords, Nathaniel, to 1st January, 1809,	5	83
Jeneson, Nathaniel, to 7th September, 1808,	40	40
Jewett, Jesse, to 29th January, 1809,	24	92
Kingman, Simeon, to 8th January, 1809,	28	63
Liman, Lewis, to 13th Febuary, 1809,	61	70
Low, Stephen, to 15th Feb. 1809,	25	30
Maxwell, Sylvanus, to 2d Jan. 1809,	57	38
Moody, Paul, to 6th Dec. 1808,	16	97
Morgan, Aaron, to 23d Jan. 1809,	27	23
March, Angier, to Feb. 1809,	14	88
Marston, Jonathan, to 11th Feb. 1809,	39	32
Nickerson, Thomas, to 25th Dec. 1807,	28	84
Northam, Eli, to 7th Dec. 1808,	42	10
Nye, John, to 4th Feb. 1809,	31	44
Neil, G. John, to 16th Nov. 1808,	57	26
Orr, Hector, to 19th Dec. 1808,	53	17
Page, Jesse, to Feb. 1809,	63	88
Parker, Joseph, to 12th Dec. 1808,	14	98
Pengree, Samuel, to 30th January, 1809,	40	63
Parker, Henry, to February, 1809,	43	75
Pilsbury, Stephen, to January, 1809,	15	33
Pilsbury, William, to 30th January, 1809,	18	24
Pope, jun. Edward, to 31st December, 1808,	48	45
Prescott, Sewell, to 12th January, 1809,	9	00
Phelps, Abel, to 2d, May, 1808,	11	37
Real, Prince, to 3d November, 1808,	20	00
Rider, Josiah, to 2d, January, 1809,	37	08
Rogers, Benjamin, to 20th January, 1809,	3	62
Ripley, W. Eleazer, to 1st January, 1809,	114	03
Starr, jun. James, to 31st December, 1808,	27	07
Sibley, Nathaniel, to 21 February, 1809,	51	63
Stearns, Thomas, to 11th December, 1808,	18	48
Strong; B. Thomas, to January, 1809,	10	67
Stewart, Jotham, to January, 1809,	46	14

Stebbins, Quartus, to January, 1809,	46	35
Stebbins, Festus, to 29th January, 1809,	15	75
Sawyer, William, to 25th February, 1809,	41	88
Smith, Moses, to 5th February, 1809,	10	41
Taft, Hazeltine, to 1st February, 1809,	16	26
Tolman, John, to 28th January, 1809,	26	41
Tucker, Joseph, to 20th January, 1809,	35	73
Wright, James, to 20th January, 1809,	40	10
Walker, Peter, to 30th October, 1808,	95	04
White, Jonathan, to 21st January, 1809,	33	25
Wilmud, David, to 18th January, 1809,	21	87
William, John, to 27th December, 1808,	80	99
Woodman, Ephraim, to 30th December, 1808,	25	67
Whitney, C. William, to January, 1809,	58	43
Williams, Jonathan, to 9th February, 1809,	48	00
Winslow, John, to 20th January, 1809,	46	30
Washburn, Abiel, to 11th February, 1809,	47	02
Williams, S. John, to 24th Feburary 1809,	104	54
Wade, Samuel, to 21st February, 1809,	22	01

Expense for Horses to haul Artillery.

Burt, Moses, to 30th January, 1809,	10	00
Blasland, S. Wm. to 27th Jan. 1809,	13	00
Binney, John, to February, 1809,	40	00
Blanchard, Joshua, to Feb. 1809,	10	00
Carter, Luke, to 2d Nov. 1808,	12	50
Cummings, Daniel, to 1st Jan. 1809,	12	50
Crittenden, Simeon, to 29th Sept. 1808,	22	50
Cunningham, Thomas, to 9th Jan. 1809,	17	00
Chapin, Levi, to 20th Sept. 1808,	7	50
Cobb, Daniel, to 25th Feb. 1809,	40	00
Carter, Samuel, jun. to Feb. 1809,	7	50
Churchill, Jesse, to Oct. 1808,	7	50
Hokins, D. James, to 19th Oct. 1808,	15	00
Holden, Daniel, to November, 1808,	11	00
Harrington, Peter, to November, 1808,	8	00
Hays, Daniel, to December, 1808,	8	00
Hill, John, to 20th February, 1809,	5	00
Judd, Elnathan, to 25th September, 1808,	7	50
Little, Otis, to 9th January, 1809,	10	00
Lincoln, Caleb, to 13th February, 1809,	5	00
Pullin, Jonathan, to November, 1808,	3	00
Pedrich, Joseph, to 4th Februry,	10	00
Potter, James, to January, 1809,	6	00

Russell, John, to January, 1809,	8 00
Smead, Julia, to 29th September, 1808,	15 00
Safford, Ebenezer, to 9th November 1808,	5 00
Spaulden, Thomas, 28th September, 1808,	5 00
Williams, Thomas, to 20th October, 1808,	6 00
Wells, Martin, to 8th February, 1809,	6 00
Walker, Jason, to 29th December, 1808,	6 25
Bicknel, H. to 20th February, 1809,	8 75
Total Military,	8024 49

Sheriffs and Coroners accounts.

Arms, George, Coroner, for expense of an inquisition, on the body of a person unknown, and funeral charges, Bernardstown, the 8th July, 1808,	20 15
Bridge, Edmund, for returning votes for Governour, Lieut. Governour and Senators, and Representative for Congress, to 3d January, 1809,	43 68
Bartlett, Bailey, for returning votes for Governour, Lieut. Governour and Senators, and Representative to Congress to 1st January, 1809,	23 68
Cooper, John, Sheriff, county Washington, for returning votes for Governour, Senators, and Representative for Congress, to January, 1809,	128 88
Chandler, John, Sheriff, Kennebeck county, for returning votes for Governour, Lieut. Governour and Senators, and Member of Congress, to 9th Dec. 1808,	50 40
Cutler, Clark, Benjamin, for returning votes for Governour, Lieut. Governour, and Scnators, May, 1808,	3 08
Learned, David, for returning votes for Governour, Lieut. Governour, and Senators and Members to Congress, for 1807, and 1808, to February, 1809,	45 60
Ulmer, George, for returning votes for Governour, Lieut. Governour, and Senators, and Member of Ccn-gress, to 10th January, 1809,	70 80
Ward, W. Thomas, for returning votes for Governour, Lieut. Governour and Senators, and Member of Congress, to 13th February, 1809,	9 87
Folsom, W. John, Coroner, for expense of taking inquisition, on the dead bodies of five strangers, to 21st Dec. 1808,	108 99
Forward, jun. Justis, for expenses of an inquisition, on the body of a person, name unknown, and funeral charges,	29 72

Goodwin, Ichabod, Sheriff, county of York, for returning votes for Governor, Lieut. Governor and Senators, and Member of Congress, to 1st January, 1809,	28 05
Hosmer, Joseph, for returning votes for Governor, Lieut. Governor and Senators, &c. to April, 1808,	1 60
Lawrence, Jeremiah, Sheriff of Nantucket county, for returning votes, for Member of Congress, to 7th Nov. 1808,	27 00
Nichols, Alexander, for taking an inquisition, on the body of a stranger, 13th August, 1808,	31 87
Smith, Benjamin, Sheriff, Dukes County, for returning votes for Governor, Lieut. Governor and Senators, to 31 January, 1809,	16 00
Sprague, William, for the expense of an Inquisition, on the body of Israel Hill, at Holden, 24th May, 1806, and funeral charges,	24 29
Shaw, Mason, for returning votes for Governor, Lieut. Governor and Senators, to May, 1807,	24 00
Waite, Nathan, for the expense of an inquisition, on the bodies of three persons names unknown, to July, 1808, September 28 and 29, 1808,	39 50
Waite, John, Sheriff, Cumberland county, for returning votes for Governor, Lieut. Governor and Senators, and Member of Congress, to 1st January, 1809,	36 40
Total	763 56

Printer's Accounts.

Thomas and Andrews, for Printing Warrants and Notifications for the Adjutant General's Office to November, 1808,	300 00
Allen, Phineas, for Printing Acts and Resolves to 13th February, 1809,	16 67
Young and Minns, for Printing for Secretary's and Treasurer's Offices, and the General Court, executed by Russell and Cutler, and J. & A. W. Park, to 23d Feb. 1809,	1205 25
Adams and Rhoades, for furnishing Newspapers for the House of Representatives to 2d March, 1809,	168 00
Russell and Cutler, for furnishing Newspapers for the House of Representatives to 2d March, 1809,	186 00
J. & A. W. Park, for furnishing newspapers for the House of Representatives to 3d March, 1809,	144 00
Total Printers,	2019 92

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Boyle, John, for his account of Stationary for Adjutant General's office, to 31st December, 1808,	322	17
Blaney, Henry, for sundries, work and materials for State-House, to 2d February, 1809,	81	89
Bradley, David and Samuel, for sundry articles, nails, locks, &c. for State-House to 22d Feb. 1809,	78	50
Dwight, Josiah, for sundries, work done on the Province-House, and for Foster's bill for printing certificates for funded State debt, and for Chester Adams' bill for posting books of the late Treasurer Skinner,	76	89
Durant, William, for setting glass and cleaning windows of State-House to 22d Dec. 1808,	28	82
Hill, Aaron, for postage of Letters, &c. for Governour, Secretary, Treasurer, and Adjutant, of the Commonwealth, to 24th Feb. 1809,	193	80
Howe, Joseph for sundry articles, and work done in the State-House, to 24th Jan. 1809,	11	29
Gore, Samuel, and son, for painting and materials, for State-House, to 21st Jan. 1809,	63	13
Melvill, Allen, for 10 pieces of black crape, Feb. 10th, 1809,	180	00
Spear, Thomas, for his services in keeping the Hospital on Rainsford's Island, to 14th Feb. 1809,	44	44
Thompson, James, for sundry materials for, and work done in the State-House, to 28th Jan. 1809,	256	73
West, David, for stationary for the Treasurer's office to 14th Feb. 1809,	76	29
Wheeler, Josiah, for sundry articles and work done in the State-House, to 22d Feb. 1809,	200	71
White, Burditt, & Co. for sundries stationary for Secretary's office and Council Chamber, to 22d Feb. 1809,	497	19
Perry, John, for assisting the messenger of the General Court, to 4th March, 1809,	72	00
Chase, Warren, for assisting the messenger of the General Court, to 4th March, 1809,	70	00
Lincoln, Amos, for materials and work done for State-House, to 28th Feb. 1809,	46	71
Lapham, Sylvanus, for assisting the messenger, of the General Court, to 4th March, 1809,	76	00
Total Miscellaneous,	2376	56

Aggregate of Roll, No. 60, March, 1809.

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Do. Militia,	8024 49
Do. Sheriffs, &c.	763 56
Do. Printers,	2019 92
Do. Miscellaneous,	2376 56
 Total,	 47 936 59

Resolved, That there be allowed and paid out of the publick Treasury, to the several Corporations, and persons, mentioned in this Roll, the sums set against such corporations and persons names respectively, amounting in the whole to the sum of forty seven thousand, nine hundred and thirty six dollars, and fifty nine cents, the same being in full discharge of the accounts, and demands to which they refer.

In Senate, March 4, 1809.

Read and accepted, and sent down for concurrence.

H. G. OTIS, *President.*

In the House of Representatives, March 4, 1809,
Read and concurred.

TIMOTHY BIGELOW, *Speaker.*

Approved, March 4, 1809.

LEVI LINCOLN.

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CIVIL
Government of Massachusetts.
FOR THE YEAR 1809—10.

HIS EXCELLENCY
CHRISTOPHER GORE,
GOVERNOUR.

HIS HONOUR
DAVID COBB,
LIEUTENANT GOVERNOUR.

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ARTEMAS WARD,
THOMAS DWIGHT,
EPHRAIM SPOONER,
PRENTISS MELLEN,
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WILLIAM PRESCOTT,
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JOSIAH DWIGHT, *Treasurer and Receiver General.*

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County of Worcester,

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<i>County of Cumberland,</i>	Hon. Lothrop Lewis, James Means.
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<i>County of Kennebeck,</i>	Hon. Joshua Cushman.

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Samuel F. M'Cleary, *Assistant Clerk*.

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William Sullivan,
William Phillips,
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Benjamin Russell,
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Benjamin Whitman,
John T. Apthorp,
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James Robinson,
Jacob Welsh,
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Thomas Dennie,

Chelsea,

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Joseph Head,
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Oliver Keating.
David West,
Nathan Webb,
Daniel Messinger,
William Walter,
Warren Dutton,
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Squires Shove.
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Ipswich, Nathaniel Wade,	Andover, Thomas Kittredge.
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John Osgood,	

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Samuel P. P. Fay.	John Trowbridge.
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Brighton, Samuel W Pomeroy.	Daniel Brigham.
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Newton, Timothy Jackson,	Burlington,
Samuel Murdock.	Woburn, Sylvanus Plympton.
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Waltham, David Townsend.	Daniel Flint.
Westtown, Ebenezer Hobbs.	Wilmington, James Jaquith.
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<i>Ware</i> , William Bowdoin.	Gad Warriner,
<i>Greenwich</i> , Reuben Colton.	Elias Leonard.
<i>Belchertown</i> , Eliakim Phelps,	<i>Southwick</i> , Enos Foote.
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Eldad Parsons.	John Phelps.
<i>Pelham</i> , Isaac Abercrombie.	<i>Blandford</i> , David Boies.
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<i>South Hadley</i> , R. Woodbridge.	<i>Chesterfield</i> , Thomas Mayhew.
<i>Sunderland</i> , Nathaniel Smith.	<i>Middlefield</i> , Erastus Ingham.
<i>Leverett</i> , Roswell Field.	<i>Worthington</i> , Jona. Brewster.
<i>Montague</i> , Nathan Chenery.	<i>Williamsburg</i> , John Wells.
<i>Wendell</i> , Joshua Green.	<i>Hatfield</i> , Isaac Maltby.
<i>Shutesbury</i> , William Ward.	<i>Whately</i> ,
<i>New Salem</i> , Varney Pearce,	<i>Deerfield</i> , Elijah Arms,
Samuel C. Allen.	Afa Stebbins.
	<i>Conway</i> , John Williams,

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Plainfield, John Cunningham.	Robert L. Mc Clallen.
Hawley, Edmund Longley.	Charlemont, Abel Wilder.
Buckland, Enos Pomeroy.	Heath, Roger Leavitt.
Shelburne, William Wells.	Rowe, John Wells.

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Wiliam Davis,	Mooers Rogers.
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Nathaniel Spooner.	Carver,
Kingston, John Thomas.	Plimpton, Elijah Bisbee.
Duxbury, Judah Alden,	Halifax, Zebediah Thompson.
Samuel Walker.	Abington, Samuel Niles.
Marshfield, John Thomas.	Nathan Gurney, jun.
Pembroke, Bailey Hall.	Hanover, John B. Barstow.
Bridgewater, Nahum Mitchel.	Scituate, Cushing Otis,
Middleboro', Samuel Pickens,	Hayward Pierce.
Levi Pierce,	Hingham, Hawkes Fearing,
Thomas Weston,	Jonathan Cushing,
Peter Hoar.	Thomas Fearing.
Rochester, Gideon Barstow, jr.	Hull, Benjamin Cushing.

BRISTOL.

Taunton, John W. Seabury,	Berkely, Apollos Toby.
Josiah King,	Freetown, Nathaniel Morton, jr.
Samuel Crocker.	William Rounsevelle.
Dighton, John Hathaway,	New Bedford, Alden Spooner,
George Walker.	Seth Spooner,
Rehoboth, Peter Hunt.	Samuel Perry,
Swanzey, Daniel Hale,	Charles Russell,
Edward Mason.	Thomas Nye, jun.
Somerset, William Read.	Dartmouth, Joel Packard,
Attleborough, Joel Read.	Caleb Slocum.
Mansfield, Solomon Pratt.	Westport, Abner Brownel,
Norton, Bryant Hall.	Sylvester Brownel.
Eastown, John Tisdale.	Troy, Robert Miller.
Raynham, Israel Washburne.	

HOUSE OF REPRESENTATIVES.

BARNSTABLE.

<i>Barnstable</i> , Jabez Howland,	<i>Harwich</i> , Ebenezer Weeks.
Joseph Blish, jun.	<i>Brewster</i> , Elijah Cobb.
Job C. Davis.	<i>Chatham</i> , Richard Sears.
<i>Sandwich</i> , Benjamin Perceval.	<i>Orleans</i> , Jonathan Bascom.
<i>Falmouth</i> , Braddock Dimmick,	<i>Eastham</i> , Samuel Freeman.
James Hinkley.	<i>Wellfleet</i> , Beriah Higgins,
<i>Tarmouth</i> , John Eldridge,	<i>Truro</i> ,
James Crowel.	<i>Provincetown</i> ,
<i>Dennis</i> , Judah Paddock.	

DUKES.

<i>Edgartown</i> , Martin Pease.	<i>Chilmark</i> ,
<i>Tisbury</i> , John Hancock.	

NANTUCKET.

<i>Nantucket</i> , Micajah Coffin,	Jedidiah Fitch,
Uriah Swaine,	Daniel Whitney,
Shubael Coffin,	George Cannon,
Archelaus Hammond,	Martin T. Morton.
Micajah Gardner,	

WORCESTER.

<i>Worcester</i> , Edward Bangs,	<i>Mendon</i> , Joseph Adams,
Ephraim Mower,	Daniel Thurber.
Abraham Lincoln.	
<i>Leicester</i> , John Hobart.	<i>Milford</i> , Samuel Jones.
<i>Spencer</i> , Benjamin Drury.	<i>Upton</i> , Ezra Wood, jun.
<i>Brookfield</i> , Dwight Foster,	<i>Grafton</i> , William Lamb.
Oliver Crosby,	<i>Sutton</i> , Jonas Sibley,
Rufus Hamilton,	Josiah Stiles,
Simeon Draper.	Estes Howe.
<i>Western</i> , Joseph Field.	<i>Oxford</i> , Abijah Davis,
<i>Sturbridge</i> , Gershom Plimpton,	James Butler.
Zenos L. Leonard.	
<i>Charlton</i> , John Spurr,	<i>Ward</i> ,
Thaddeus Marble,	<i>Shrewsbury</i> ,
Ephraim Willard.	Vashni Hemmenway.
<i>Dudley</i> , Aaron Tufts.	<i>Westborough</i> , Nathan Fisher.
<i>Douglas</i> , Benjamin Craggin.	<i>Southboro'</i> , Jeroboam Parker.
<i>Uxbridge</i> , Benjamin Adams.	<i>Northborough</i> , James Keyes.
<i>Northbridge</i> ,	<i>Boylston</i> , James Longley.
	<i>West Boylston</i> , Ezra Beaman.
	<i>Lancaster</i> , Eli Stearns,

HOUSE OF REPRESENTATIVES.

Jonas Lane.	Daniel Grosvenor.
<i>Harvard</i> , Jonathan Symonds,	<i>Princetown</i> , William Dodds.
Jonathan Wetherbee.	<i>Leominster</i> , Abijah Bigelow,
<i>Bolton & Berlin</i> , Silas Holman,	David Wilder, jr.
Levi Merriman.	<i>Lunenburgh</i> ,
<i>Sterling</i> , Israel Allen,	<i>Fitchburgh</i> ,
Bartholomew Brown.	<i>Westminster</i> , Jonas Whitney,
<i>Holden</i> , William Drury.	Abel Wood.
<i>Rutland</i> , William Dodd.	<i>Gardner</i> , Aaron Wood.
<i>Paxton</i> , Nathaniel Crocker.	<i>Ashburnham</i> , Joseph Jewett.
<i>Oakham</i> , Abijah Cutler.	<i>Winchendon</i> , Israel Whiton.
<i>New Braintree</i> ,	<i>Royalston</i> ,
Joseph Bowman, jr.	Joseph Easterbrooks.
<i>Hardwick</i> , Timothy Paige,	<i>Templeton</i> , Leonard Stone.
John Hastings.	<i>Athol</i> , James Humphries.
<i>Barre</i> , Nathaniel Jones.	<i>Gerry</i> , Ithamar Ward
<i>Hubbardston</i> , Jacob Waite.	<i>Dana</i> , Abiel Parmenter.
<i>Peterham</i> , Nathl. Chandler,	

BERKSHIRE.

<i>Sheffield & Mount Washington</i> ,	William P. Walker.
Silas Kellogg.	<i>Richmond</i> , Noah Roseteer.
<i>New Marlboro'</i> , Benj. Wheeler,	<i>Hancock</i> , Rodman Hazard.
Benjamin Smith.	<i>Pittsfield</i> , Simeon Griswold,
<i>Sandisfield and Southfield</i> ,	John Churchill,
John Picket.	Joseph Shearer.
Jairus Barker.	<i>Dalton</i> , John Chamberlain, jr.
<i>Bethlehem</i> ,	<i>Hinsdale</i> , Thomas Allen.
<i>Loudon</i> ,	<i>Peru</i> , Smith Phillips.
<i>Tyrringham</i> , Adonijah Bidwell,	<i>Windsor</i> , Daniel Dana.
Joseph Wilson.	<i>Lanesboro' & New Ashford</i> ,
<i>Great Barrington</i> ,	Samuel H. Wheeler,
Thomas Ives,	Richard Whitman.
David Wainwright.	<i>Cheshire</i> , Jonathan Richardson,
<i>Egremont</i> , James Baldwin.	Joseph Bucklen.
<i>Alford</i> ,	<i>Adams</i> , Elisha Wells,
<i>Stockbridge</i> , Henry Brown.	Thomas Farnum.
<i>West Stockbridge</i> ,	<i>Williamstown</i> , Willian Towner,
Lemuel Moffit, jr.	Samuel Kellogg.
<i>Lee</i> , Josiah Yale.	<i>Savoy</i> , Joseph Williams.
<i>Becket</i> , George Conant.	<i>Clarksburg</i> ,
<i>Washington</i> , Gideon Demming.	<i>Florida</i> ,
<i>Lenox</i> , Oliver Belden,	

HOUSE OF REPRESENTATIVES.

NORFOLK.

<i>Roxbury</i> , Joseph Heath,	Jonathan Richards.
William Brewer,	<i>Needham</i> , James Smith.
Gustavus Fellows,	<i>Medfield and Dover</i> ,
Jacob Weld,	Johnson Mason.
Abijah Draper.	<i>Medway</i> , Moses Richardson.
<i>Dorchester</i> , Perez Morton,	<i>Bellingham</i> , John Bates.
Ezekiel Tolman,	<i>Franklin</i> , Joseph Bacon.
Phineas Holden.	<i>Wrentham</i> , Jairus Ware,
<i>Brookline</i> , Stephen Sharp.	Jacob Mann
<i>Milton</i> , David Tucker.	<i>Walpole</i> , Daniel Kingsbury.
<i>Quincy</i> , Thomas Greenleaf.	<i>Foxboro'</i> , Seth Boyden.
<i>Braintree</i> ,	<i>Sharon</i> , Jonathan Billings.
<i>Weymouth</i> , Christopher Webb.	<i>Stoughton</i> , Lemuel Gay.
<i>Cohasset</i> , Thomas Lothrop.	<i>Canton</i> , Benjamin Tucker.
<i>Dedham</i> , John Endicott,	<i>Randolph</i> , Thomas French.
Samuel H. Dean,	

YORK.

<i>Tork</i> , Elihu Bragdon.	<i>Alfred</i> ,
Jeremiah Clark.	<i>Lyman</i> , John Low.
<i>Kittery</i> , Mark Adams,	<i>Phillipsburgh</i> , Abijah Usher.
Samuel Leighton,	<i>Waterborough</i> , Henry Hobbs.
William T. Gerrish.	<i>Shapleigh</i> , Jeremiah Emery,
<i>Wells</i> , John Storer,	John Leighton.
Joseph Moody,	<i>Newfield</i> ,
Nahum Morrill,	<i>Parsonsfield</i> , James Bradbury,
John U. Parsons.	Noah Weeks.
<i>Arundel</i> , Thomas Perkins, 3d.	<i>Cornish</i> , Jonah Dunn.
<i>Biddeford</i> , Jeremiah Hill.	<i>Limerick</i> ,
<i>Berwick</i> , Joseph Prime,	<i>Limington</i> , David Boyd.
William Hobbs,	<i>Buxton</i> , Samuel Merrill,
Micajah Currier,	William Merrill.
Benjamin Greene.	<i>Saco</i> , William Moody,
<i>Lebanon</i> , David Legro.	Benjamin Pike.
<i>Sandford</i> ,	

CUMBERLAND.

<i>Portland</i> , Joseph Titcomb,	William Jenks,
George Bradbury,	Isaac Adams.
Matthew Cobb,	<i>Falmouth</i> , John Jones,
Joseph H. Ingraham,	James Merrill,

HOUSE OF REPRESENTATIVES.

James Merrill,	John Angier Hyde.
Daniel Lunt.	Brunswick, Robt. D. Dunning,
C. Elizabeth, Sylvanus Higgins.	James Curtis, jun.
Scarborough, Benja. Larrabee,	Harpswell, Marlboro Sylvester.
George Hight.	Durham, Josiah Burnham.
Gorham, David Harding, jun.	New Gloucester, J. E. Foxcroft.
Dudley Folsom.	Pejepscot,
Standish, Jonathan Philbrick.	Poland, Robert Snell.
Windham, Josiah Chute.	Minot, Seth Chandler,
Gray, Peter Whitney.	Afaph Howard.
North-Yarmouth, David Prince,	Raymond,
Jacob Mitchell,	Baldwin,
Elisha P. Cutler.	Bridgetown,
Pownal, Josiah Lovell.	Harrison,
Freeport, John Cushing,	Otisfield, Benjamin Patch.

LINCOLN.

Wiscasset, Abiel Wood, jun.	Warren, Samuel Thatcher.
Moses Carlton, jun.	Camden, Moses Truffell.
Woolwich, David Gilmore.	Hope, Fergus McClain.
Dresden, George Ramsdell.	Union,
New Milford, Moses Carlton.	Palermo, Daniel Sanford.
Jefferson, Jonathan Trask.	Montville,
New Castle, John Farley.	Georgetown, William Lee,
Edgcumbe, Stephen Parsons.	Lewis Thorp.
Boothbay, William M'Cobb.	Bath, Samuel Davis,
Bristol, William M'Clintock.	William Webb,
Samuel Reed.	Jonathan Hyde.
Nobleboro', David Dennis.	Topsham, Benjamin Hasey.
Waldoboro', Joseph Ludwig,	Bowdoin, Moses Dennet.
Benjamin Brown.	Bowdoinham, James Maxwell.
Friendship,	Lisbon,
Cushing,	Lewistown, Joel Thompson.
St. George, Hezekiah Prince.	Litchfield, John Neal,
Thomaston, Isaac Bernard.	Jabez Robinson.
Ezekiel G. Dodge.	

KENNEBECK.

Augusta, Samuel Howard.	Monmouth, Simon Dearborn, jr.
Hallowell, Samuel Moody,	Greene, John Daggett.
John Odlin Page.	Leeds, Daniel Lothrop.
Gardiner, Samuel Jewett.	Winthrop, Samuel Wood.

HOUSE OF REPRESENTATIVES.

<i>Reedfield,</i>	<i>Temple,</i>
<i>Wayne,</i>	<i>Wilton,</i>
<i>Fayette, Solomon Bates, jun.</i>	<i>Pittstown, David Young.</i>
<i>Mount Vernon, John Hovey.</i>	<i>Vassalboro', Abiel Getchel,</i>
<i>Belgrade, Moses Carr.</i>	<i>Samuel Reddington.</i>
<i>Sydney,</i>	<i>Winslow, Josiah Hayden,</i>
<i>Waterville, Elnathan Sherwin.</i>	<i>Harlem,</i>
<i>Rome,</i>	<i>Malta,</i>
<i>Vienna,</i>	<i>Fairfax, Nathan Haywood.</i>
<i>New Sharon, Thomas Fields.</i>	<i>Clinton, Andrew Richardson,</i>
<i>Chesterville,</i>	<i>Unity, Frederick Stevens.</i>
<i>Farmington,</i>	

OXFORD.

<i>Paris, Elias Stowell.</i>	<i>Porter,</i>
<i>Hebron, Alexander Greenwood.</i>	<i>Lovell,</i>
<i>Buckfield, Enoch Hall.</i>	<i>Waterford, Hannibal Hamlin.</i>
<i>Turner, John Turner.</i>	<i>Albany,</i>
<i>Livermore, Simeon Waters.</i>	<i>Bethel, Eliphas Chapman.</i>
<i>Hartford, David Warren.</i>	<i>Jay, James Starr, jun.</i>
<i>Sumner,</i>	<i>Dixfield,</i>
<i>Norway, Luther Farrar.</i>	<i>Rumford,</i>
<i>Fryeburgh, John M'Millan.</i>	<i>Gilead,</i>
<i>Brownfield & Hiram,</i>	<i>Newry,</i>
<i>Timothy Gibson.</i>	<i>East Andover,</i>
<i>Denmark,</i>	

SOMERSET.

<i>Norridgewock, John Ware.</i>	<i>Embden,</i>
<i>Canaan, Bryce M' Clellan.</i>	<i>Freeman,</i>
<i>Fairfield, Amos Townsend.</i>	<i>New Portland,</i>
<i>Anson,</i>	<i>Madison,</i>
<i>Starks, James Waugh, jun.</i>	<i>Cornville,</i>
<i>Mercer,</i>	<i>Solon,</i>
<i>Industry,</i>	<i>Athens,</i>
<i>New Vineyard,</i>	<i>Harmony,</i>
<i>Strong,</i>	<i>Palmyra,</i>
<i>Avon,</i>	

HANCOCK.

<i>Castine, Otis Little.</i>	<i>Orrington, John Farrington.</i>
<i>Penobscot,</i>	<i>Ellsworth, John Peters.</i>
<i>Orland,</i>	<i>Surry,</i>
<i>Bucktown, Stephen Peabody.</i>	<i>Bluehill, Ebenezer Floyd.</i>

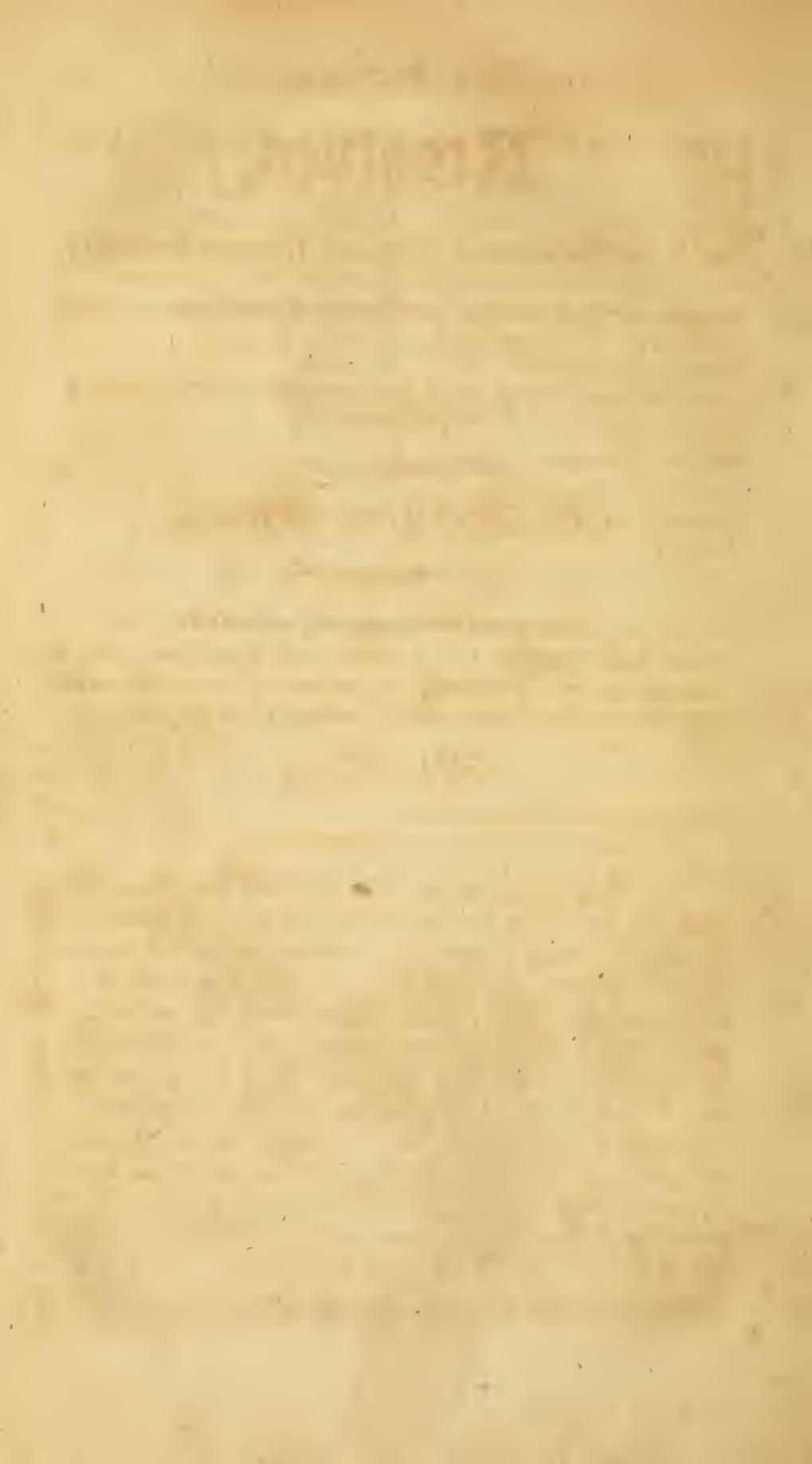
HOUSE OF REPRESENTATIVES.

<i>Sedgwick,</i> Daniel Merrill.	<i>Lincolnville,</i> Ephraim Fletcher.
<i>Trenton,</i>	<i>Northport,</i>
<i>Sullivan,</i>	<i>Belfast,</i> Jonathan Wilson.
<i>Gouldsborough,</i>	<i>Prospect,</i> Henry Black.
<i>Eden,</i> Cornelis Thompson.	<i>Frankfort,</i> Alexander Milliken.
<i>Mount Desert,</i> Davis Wasgatt.	<i>Hampden,</i> Seth Kempton.
<i>Deer Isle,</i> Pearl Spafford.	<i>Bangor,</i> James Carr.
<i>Vinalhaven,</i> William Vinal.	<i>Orono,</i>
<i>Isleboro'</i> ,	<i>Dixmont,</i>

WASHINGTON.

<i>Machias,</i> Ebenezer Inglee.	<i>Columbia,</i>
<i>East Port,</i> Oliver Shead.	<i>Harrington,</i>
<i>Jonesboro,</i>	<i>Steuben,</i>
<i>Addison,</i>	

Nicholas Tillinghaſt, Esq. Clerk.



Resolves,

Of the General Court of Massachusetts;

PASSED AT THE SESSION BEGAN AND HOLDEN AT BOSTON,

ON THE THIRTY-FIRST DAY OF MAY,

*IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINE.*

GOVERNOUR'S SPEECH.

REPRESENTATIVES' CHAMBER, JUNE 7.

*At the hour assigned, His Excellency the Governour came in,
accompanied by his Council, the Secretary of the Commonwealth,
and other officers of government, and delivered the following*

SPEECH :

*GENTLEMEN OF THE SENATE, AND
GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,*

CALLED to the office of Chief Magistrate of this great and important Commonwealth, by the free suffrages of my fellow citizens, permit me to embrace the earliest opportunity to express the deep and respectful sense I entertain of their confidence, and of the solemn obligations it has imposed, for the exercise of all my powers to secure their rights, advance their interests, and increase their happiness, by all the means which are afforded by the constitution and the laws of the land.

Educated at a time when the principles of civil liberty were investigated and discussed by the sages and heroes, who conceived and accomplished our glorious revolution, my strongest and earliest impressions were in favour of that well regulated freedom, which is secured by our excellent constitution. An absence of eight years in the service of our common country, by the op-

portunity it afforded of remarking the circumstances of other nations, served to confirm and, if possible, increase the respect and reverence I had previously imbibed for the religious and civil institutions of my native state. A comparison of our condition, with that of any other people, must convince every one of the enviable situation, in which we are placed, and of the superior means afforded to us, for enjoying all the blessings of which social life is capable. While this consideration cannot fail to inspire us with profound gratitude to the Almighty Ruler of the universe, it ought to awaken us to a sense of the awful responsibility we are under, to transmit unimpaired to our successors, this valuable inheritance, derived, through the providence of God, from the toils and sacrifices of our pious ancestors.

To perform this first of duties, to preserve the advantages of liberty, and to maintain a free government, we must follow their example in a constant adherence to the precepts of piety, justice, moderation, temperance, industry and frugality," and must sacredly regard the fundamental principles of our constitution, of which none are more evident, none more explicitly asserted, nor more frequently recognized, than that all power resides in the people, and that government is instituted for their protection, safety, prosperity and happiness.

Their substitutes or agents, entrusted with the administration of government, cannot, then, in their own immediate acts, nor in the appointment, nor continuance in office of others, rightfully suffer themselves to be influenced by any considerations, but such as promote these just and declared objects.

All citizens, who possess the requisite information, talents and integrity, have fair claims to publick confidence, whatever may be their sentiments on the political doctrines which are discussed in the community. And so long as men in office perform the duties assigned them, with adequate skill, fidelity and impartiality ; their political sentiments ought not to be the ground of removal.

While I entertain no doubt of the soundness of this opinion, I am equally well satisfied, that when persons in office do not execute their duties with fidelity, or conduct themselves in a manner

that is injurious to the reputation of government and to the interests of the people, or become otherwise disqualified, they who are entrusted with the administration of government, are bound in good faith to their country, to remove them, undeterred by the fear, that such act may be imputed to political prejudice, or to any improper motive.

To adopt a rule, that no man is to be selected for office, unless he be of the particular sect or party of those, who administer the government, or subscribe to their political creed, is to establish a principle, not only not recognized by, but directly repugnant to the constitution. It is moreover highly unjust to the people, as it narrows the choice for office, and may frequently exclude from their service, the purest integrity, the highest capacities, and best dispositions. It is considering government as constituted, not for the *common good*, but for the exclusive advantage of an association or party of men.

Should they, to whom is deputed the authority of the commonwealth, surrender themselves to such motives, they would descend from the distinguished elevation of rulers of a free people, to the level of a faction, disposing of the honours and employments of the publick, as bribes to augment their party and perpetuate their power. When creeds and opinions unknown to the constitution are rendered necessary to employment, they very soon become the only qualification required, and supply the place not only of talents, for the performance of the highest duties, but, even of common honesty, necessary to the discharge of all. Already, we have had but too much reason to deplore the violence and animosity of party spirit. It has gone far to destroy social intercourse, and all the endearing charities of life, between ancient friends and neighbours, and to substitute political opinions for virtue, intelligence, and patriotism. Already the wise and good, of all parties, entertain apprehensions, lest the interests of the people, and the duties of government might be forgotten in the solicitude for party power and the hatred of political opponents. They see and lament not only the evils, at present experienced, but they have a dread of evils still greater; even the destruction of our free government, as a necessary consequence of party passion, unless assuaged by a

temper of conciliation, of mutual forbearance, of candour and respect for each other, and by the unqualified surrender of every interest and every desire, to the pre-eminent claim of country in those, who have been selected by the citizens to guard their rights and advance their prosperity. Let us then, gentlemen, trustees for the publick good alone, of the power and authority of a just and enlightened community, by the candour and liberality of our own conduct, endeavour to set the example so much desired, by deliberately weighing and justly appreciating the measures and motives of each other, and by pursuing, within the circle of our respective duties, unbiased by any prejudices, or prepossessions, the happiness and prosperity of the people, and the security of their rights. Such an example from the government, we might safely trust, would be followed by our fellow citizens, and would afford the best prospect of continuing the freedom and glory of the country.

Our forefathers, from the first settlement of the country, judged it necessary to provide for the religious instruction of the society, and to enjoin on all the members thereof, the worship and adoration of the Supreme Being, the beneficial effects of which have been felt at every stage of our political existence, in the good order of society and preservation of civil government, in the peculiar happiness, and prosperity of the people, and in the most signal instances of divine interposition in behalf of our highly favoured land.

While the people of this Commonwealth peremptorily insist on the rights of conscience, and guarantee, to every man, perfect freedom, to worship the great Creator and preserver of the universe, according to the dictates of his own mind, they, also, invest the Legislature with power, and render it their duty to authorize, and require the citizens, in their several corporate capacities, to make suitable provision for the institution of the publick worship of God, and for the support and maintenance of publick Protestant teachers of piety, religion and morality, if it be not done voluntarily—and also to enjoin, on all the subjects, an attendance upon the instructions of such publick teachers, if there be any, on whose instructions they can conscientiously and conveniently attend.

The principle, adopted by the people, is, evidently, not to impose articles of faith on the conscience ; but to declare their own obligation, and that of the Legislature, to enjoin and promote the means of instruction, and the maintenance and communication of the protestant religion, of piety and morality, as essential to the happiness of the citizens.

The least reflection on the relations of civil society, and the limited power of government, will manifest the great temporal advantage, to be derived from promoting the worship of God in spirit and in truth.

The power of government does not extend beyond that class of duties, which result from positive law and perfect obligation, nor to punishment, for the breach of such, unless the same be proved, according to certain established and known rules.

All those duties, which are not of positive law, but of imperfect obligation, such as gratitude, love to our neighbour, hospitality, parental and filial affection, and offences against the same, are not the subject of human laws. These and numerous others, which are inculcated, taught, or forbidden, by the precepts of that holy religion, which is acknowledged by our constitution, are neither prescribed, nor prohibited, nor even determined upon by the law of the state. Yet no man can doubt, that a firm belief in their truth, promotes the happiness of society, and that an exact performance of the duties, not subject to human control, but enjoined by christianity, renders the citizen a better member of the community, and dispenses with the necessity of multiplying laws and increasing forfeitures. Society cannot deter from committing crimes, by inflicting punishment for their commission, unless the same be fully proved. It therefore has no hold on one, who can perpetrate wickedness in secrecy and preclude all testimony of his guilt ; but religion teaches that the omniscient judge of crimes pervades every recess of human concealment, and that from his all-piercing eye, it is impossible to keep secret aught that the hand can execute or the mind conceive.

Hence, we may justly conclude, that in complying with the requisitions of our fundamental laws, as regards the worship of God, and publick instruction in piety, religion and morality,

we commit no offence against the rights of conscience, we promote the progress of truth, the peace and happiness of society, and preservation of government.

It cannot escape the observation of a wise Legislature, that for most of the duties, which are of positive law, religion affords sanctions, stronger than can be created by any human power—that while it makes us better citizens and happier in this world, it affords the only solid hope of purer enjoyment and higher rewards in another.

The constitution enjoins on the Legislature, and Magistrates, in all periods of the Commonwealth, to cherish the interests of literature and science, and all seminaries, especially the University in Cambridge, publick schools, and grammar schools in towns. A recollection, that this duty is founded upon the principle, that the diffusion of wisdom and knowledge, as well as virtue, among the people, is necessary for the preservation of their rights and liberties, will claim, from this assembly, a continuance of that attention and regard, which it has received from past Legislatures.

Agriculture, whether considered as the immediate source of human subsistence, or as the honourable and happy employment of a great portion of our citizens, may be justly deemed of the first importance, and its improvement cannot fail to reflect blessings on every member of the community, as well as on the Commonwealth at large. It therefore merits, and will doubtless receive from this enlightened Assembly, all the encouragement of which it is susceptible.

The mode suggested in the constitution, for the promotion of this branch of industry, by rewards and immunities, and by the encouragement of private societies and publick institutions, hath been prosecuted with success. It has already occasioned the collection and diffusion of much knowledge, and excited a general spirit of improvement through the state. From the experience of other nations as well as of our own, it is probable that the distribution of such funds, as the Legislature shall think advisable to appropriate to this object, may be more advantageously applied through societies established under the countenance of government, than in any other way.

Manufactures and commerce promote agriculture, as they offer the most liberal reward for all its productions. So far, then, as the interests succeed, agriculture is promoted and advanced, and not only persons immediately occupied in manufactures, and in the vast and various scenes of commercial enterprize, are benefited by their encouragement, but the proprietors and cultivators of the soil are deeply concerned in whatever tends to their security and increase.

It is true that the principal means of fostering these great interests are confided exclusively to the government of the Union, yet peculiarly interested as is this Commonwealth, in their advancement, a wise Legislature will ever be vigilant to adopt all such as are within their authority, to assist a discreet and laudable spirit of enterprize in such important objects. Among these, may be reckoned the making and executing just and practicable laws of inspection on manufactured articles, the encouragement of societies, where necessary, for carrying on any particular manufacture, under suitable restrictions and limitations, and the rendering communication, between all parts of the Commonwealth, easy, safe and economical. These, with every other branch of industry, and every other source, from which human happiness and the means of enjoyment may be presumed to flow, are most effectually supported, protected and increased, by enforcing honesty and punctuality in the performance of contracts, by an inviolable regard to the rights of property, and a sacred respect to all the principles of justice.

But, as in a nation greatly commercial, the utmost prudence and sagacity cannot always secure from misfortune those, whose occupations are, in their very nature, subject to hazards, there is no doubt that the government may and will, so far as it can be done, consistent with the rules of the constitution, relieve the unfortunate from those embarrassments into which they have been plunged by circumstances not under their control, and restore to them the opportunity of providing for themselves and serving the community by honest industry.

On the wisdom of the Legislature the people repose with confidence, for good and wholesome laws, and all the necessary provision for the impartial interpretation of these laws, and the administration of justice.

The constitution instructs us and experience confirms its propriety, that it is not only the best policy, but for the security of the rights of the people, and of every citizen, that the Judges of the Supreme Judicial Court should have honourable salaries established by standing laws :—what salaries are of this character must always rest with the sound discretion of the Legislature to decide. Whenever they can ascertain the amount, that meets this description, they will have no hesitation in establishing the same, by law.

The business of this court is so extensive, various and important, that it can be properly performed, and with sufficient despatch by none, but the ablest men, and can leave to upright judges no leisure for attention to distinct concerns, or to provide for the support of their families, by other means than their salaries.

The Militia of the Commonwealth is, at all times, a subject of the deepest interest, as on its organization and discipline, the peace and safety of the state greatly depend.

For a remedy of such defects in the system, as experience shall have discovered, and the confirmation of such arrangements, as have proved suitable, the citizens look to their Legislature, and sure I am, gentlemen, that the intelligence and zeal, contained in this assembly, will satisfy their just expectations.

The fiscal concerns of the Commonwealth will always claim your serious attention. To draw from the citizens the amount necessary to discharge, with punctuality, the obligations of the State, in a manner the most equal, and least burthensoime to those, who are to pay, will be the first aim of a wise government.—To secure the money against loss after it is collected from the people, is an object no less important. This was supposed to have been provided for, by rendering the choice of the Treasurer dependant on those, who, in common with their constituents, must suffer from any waste of the publick funds, by taking bonds for the faithful performance of the duty and by frequent settlement of the Treasurer's accounts.

Although it is expected, that the sum, which may eventually be received from the bondsmen of the late Treasurer, will not

be less than the amount in which his account was deficient, yet the inconvenience and derangement of the Treasury, from want of the money, at the time when it was supposed to be at command, and the injury to the character of the State, always in some degree implicated in the conduct of officers, so distinguished, as the head of the treasury, are of sufficient importance to claim the deliberate wisdom of the Legislature, in devising the best means to prevent like evils in future.

We are seriously admonished by the circumstances, in which the treasury was left, by the predecessor of the present Treasurer, that the checks contained in the system were not sufficient to secure the community against unfaithfulness in an officer. Several other States, prior to the revolution, suffered frequent losses, by a defect in this department of their government. In altering their State Constitutions, they thought to remedy the evil, by assigning the appointment of their Treasurer to the Legislature. The result has shewn this remedy not to be effectual, and in several instances, they have altered their system, by adding to the officers, entrusted with the care of the revenue, one, in the character of Comptroller.

Should the Legislature turn their attention to the providing further security in this department, this mode may not be altogether unworthy their notice.

The regulations of such an office might operate, as checks on the Treasurer, by rendering the Comptroller's sanction necessary to the settlement of all accounts, to the payment and receipts of all monies to or by the Treasurer, and to drawing the same from the Bank, where by law it is kept. A system that should afford in the Comptroller's office, a particular account with each of the debtors and creditors of the State, and also an exact account with the Treasurer, which would, at all times, exhibit precisely the balance of his account, might be found to contain greater security, against misapplication of the publick money, than that under which our pecuniary concerns have been managed.

I trust, gentlemen, that we may sincerely and heartily congratulate each other, and every individual in our country, that the political year commences with the promise of reviving com-

merce, and the restoration of our citizens to the exercise of their faculties, and their industry, and to the right of acquiring and possessing property, asserted in our Declaration of Rights to be essential and unalienable. We have great reason to indulge the hope of realizing these views, from the prompt and amicable disposition, with which it is understood, the present federal administration met the conciliatory overtures of Great Britain —A disposition which is entitled to, and will certainly receive, the hearty approbation of every one, who sincerely loves the peace and prosperity of the nation.

While we sincerely rejoice at the prospect open to the United States of returning prosperity, and plenty, this Commonwealth has great reason for self-gratulation, on the patience and firmness, displayed by her citizens, under privations the most painful, and restrictions the most irreconcileable to the spirit of freemen. While the acts, enforcing these privations and restrictions, were submitted to, by individuals, with a resignation, that evinced the most exemplary love of order, and respect for the constituted authorities of the nation, the wisdom and temperate firmness displayed by the Commonwealth, in their Legislature, their persevering attachment to the union, their correct estimate of their own rights, and their prudent and constitutional measures for relief, must always redound to its highest honour.

The history of the United States and of this State has ever shewn Massachusetts submitting with cheerfulness to the most important sacrifices, for supporting the common cause and general interests of the union, and this without the smallest disposition to dictate to the other members of the confederacy. Under the distressing circumstances of the last year the Legislature did what duty rendered indispensable, and it surely did no more.

To prevent an adoption, in future, of measures so fatal to the occupations, industry and subsistence of the people of this State, cannot fail to be a subject of momentous concern, to a Legislature, entrusted with guarding the rights of the citizens, and the independence of the Commonwealth.

It may be thought advisable to attempt this, by a declaration, to be proposed as an amendment to the constitution of the United States, providing, that its powers shall never be so con-

strued, as to authorize Congress, in any case to enact a general prohibition, or restriction of maritime commerce, to operate for a longer time than the session in which it may be enacted, and to a certain early day of the next succeeding session. Whether a purpose so desirable can be effected by this, or any other mode, must rest with the wisdom of the Legislature to decide. Although some difference of opinion may exist as to the means, I cannot persuade myself there will be any, as to the importance of securing us against a return of the like distress, which, in times less auspicious to peace and good order, might produce convulsions, disastrous to the harmony, if not to the union of the States, to preserve which, according to its original intent, cannot cease to be the first object of every friend to the independence and prosperity of the country.

GENTLEMEN,

The observations which have been submitted principally relate to our mutual duties, as they arise under the constitution of the State, and are sanctioned by the usage of former times, and the relation that our constituents have been pleased to create between us.

The reflections which I have presumed to offer, on the effect of a blind attachment to party, you will, I trust, think not altogether unsuitable to the occasion, the time, nor the circumstances under which we are convened. They are dictated by a pure and disinterested zeal for the happiness of the whole people, and are drawn from me, by a thorough conviction, that unless we can prevail on ourselves to soften our asperities, to yield a portion of our prejudices to the common good, we put at imminent hazard the morals and the prosperity of the citizens, the safety and freedom of the Commonwealth.

Entertaining no doubt, that wisdom and candour will preside over all your deliberations, and that they will be guided by a single regard to the best interests of the country, permit me to assure you that these shall not languish for want of a cordial co-operation on the part of the Executive, nor shall they suffer so

far as depends on me, from that temper which I have attempted to describe, and which, I am sure, is at war with the sacred rights and essential happiness of the people.

C. Gore.

ANSWER OF THE SENATE.

MAY IT PLEASE YOUR EXCELLENCY,

THE Senate offer you their sincere congratulations upon your elevation to the office of Chief Magistrate of this Commonwealth. The suffrages of our free and enlightened citizens have called you to this important station. Past experience of your unshaken patriotism and preeminent talents is a sure pledge, that the rights, the interest and happiness of the people will be secured and advanced by all the means which the constitution and the laws have placed within your power.

We rejoice that the choice has fallen upon one of our native citizens, who has made the principles of civil liberty the study of his life, and who, in the various and important stations to which he has been called, has evinced an attachment to his native land, ability and zeal in defence of its rights, and respect and reverence for those civil and religious institutions on the support of which our security and happiness so essentially depend; —and which so remarkably distinguish this people from every other nation. While we acknowledge, with lively gratitude to our Almighty Benefactor, the great and undeserved blessings we enjoy, may we duly feel the great responsibility imposed upon us of uniting our exertions with those of your Excellency, in preserving and transmitting unimpaired to our posterity the fair inheritance, which has descended to us from our pious and venerable ancestors.

We unite with your Excellency, and with all the friends to the prosperity of our common country, in cordial congratulations upon the prospect of the revival of commerce. The prompt acceptance by the Federal Administration of the conciliatory overtures of Great Britain, which opened the door for the removal of those grievous embarrassments by which the industry and enterprize of our citizens have so long been paralyzed, meet the approbation and will insure the support of this Commonwealth.

We trust that a continuance of the same amicable spirit, in the rulers of each nation, will reconcile all the jarring and conflicting claims which have heretofore interrupted the harmony and prosperity of both.

The citizens of Massachusetts, from the first settlement of the country, have been signalized for their love of order, their ready submission to all the wholesome restraints of good government; and also for their firm and steady opposition to all encroachments upon their constitutional rights. By their patient submission to the unexampled privations and restrictions under which they have suffered for months past, they have fully evinced their firm and unshaken attachment to the Union ; by their respectful petitions and spirited remonstrances, they have displayed a knowledge of their rights, and a resolution to vindicate them at every hazard.

It affords the Senate much pleasure, that in the review of the proceedings of last year, relative to our national concerns, your Excellency can say—"The Legislature did what duty rendered indispensable, and it surely did no more." To guard against the recurrence of measures so hostile to the habits and fatal to the prosperity of the people of this State, is an object of momentous concern. We shall feel it our duty to take into our deliberate consideration the suggestions of your Excellency upon this subject, and to invite the other states to concur with us in the adoption of measures to prevent the return of like calamities.

We highly disapprove the principles so justly discarded by your Excellency, "that attachment to any political sect or party ought to be the only criterion, by which to test the qualifications of men for office"; and that the emoluments of office are to be held out as rewards to those who will exert themselves for the promotion of any man to power. Government is instituted for the common good. In an elective one the people have a right to the services of their best men. Talents, virtue, patriotism, and attachment to the principles of our republican constitutions, are the only requisites necessary to insure its faithful administration. When men possessing these qualifications, whatever may be their political opinion, are elected to the first pla-

ces in the government, and none but such are appointed to fill the various subordinate offices, the rights of the people will be secure, their prosperity and happiness will be promoted. Such men will administer the government, not for a party, but for the whole community.

We agree with your Excellency in deplored the violence and animosity of party spirit, which pervades the state and seems to threaten destruction to our free constitution. We should be happy to lend our aid, and unite our efforts with all good men, in endeavouring to assuage its bitterness and allay its heat. And may the Almighty Ruler of the Universe endue us, and all the citizens of this Commonwealth "with a temper of conciliation, of mutual forbearance, of candour, and respect for each other, and enable us to surrender every interest and every desire to the preeminent claims of country."

The Senate reciprocate with perfect cordiality the sentiments advanced by your Excellency relating to the religious institutions of our country, and the importance of diffusing religious instruction among the people. No free government can long subsist without the general prevalence of virtue. This is founded in a knowledge of our duties to our Creator, to our fellow men and to ourselves. To extend this knowledge, publick instruction is necessary. Wisely therefore, did the framers of our constitution, in conformity with the uniform usage of our pious ancestors, render it the duty of the Legislature to require the citizens, in their several corporate capacities, to make suitable provision for the institution of the publick worship of God, and for the support and maintenance of publick protestant teachers of piety, religion and morality.

The interests of Literature and the Sciences in our universities, and the general diffusion of knowledge through our academies and schools, are entitled to and shall receive a continuance of that countenance and support which have been bestowed by former Legislatures.

The promotion and improvement of agriculture, the encouragement and extension of manufactures, and the protection and security of commerce, are objects highly interesting to the people of this Commonwealth. So far as their respective interests

are confided to the State Legislature, they deserve all the patronage and aid which the wisdom of the government and the funds of the State can afford.

We are very sensible that among a people so highly commercial, many of our worthy citizens may be brought to circumstances of embarrassment and distress by misfortunes not within their power to foresee or avoid. Some mode of relief to this description of our fellow men has been found necessary in most other governments; and could any plan be devised by which this object can be attained, consistently with the principles of the constitution and the general welfare, it shall readily be adopted.

The Senate feel the importance of a wise and impartial administration of justice, and the necessity and propriety of providing, by standing laws, honourable salaries for the Judges of the Supreme Judicial Court. The multiplied duties of their office require their whole time and services. If at any time it should appear that the salaries are inadequate to secure the talents of our ablest and best men, we trust the Legislature will not be reluctant to increase them.

The Militia constitute the defence of our country. To them we look for safety and protection when threatened with danger. In times of peace and tranquillity, therefore, it becomes our duty, by all suitable regulations and encouragements, to establish their complete organization and discipline.

The dilapidations upon the Treasury, by the predecessor of our present Treasurer, suggest the necessity of some further checks and restraints upon the officer who is at the head of that important department, and we feel it our duty to endeavour to find a remedy against the recurrence of the inconveniences and embarrassments which the State has experienced in consequence of his peculations.

The Senate rely with confidence on the cordial and zealous co-operation of your Excellency, in all measures calculated to promote the general peace, harmony and prosperity;—and we assure your Excellency that, with a single eye to those objects, we will endeavour to discharge the duties assigned us by the constitution.

ANSWER

OF THE HOUSE OF REPRESENTATIVES.

MAY IT PLEASE YOUR EXCELLENCY,

AT the commencement of the political year, permit us, the Representatives of the people, to express our sincere pleasure, that we meet your Excellency as the Chief Magistrate of this Commonwealth, and commence our political labours with the assistance of your councils. The deep interest which we feel in our civil and religious institutions affords the measure of our satisfaction, that the Executive department of government is confided to a citizen, educated at a time when the discussions of our sages, the struggles of our heroes, and the spirit of the people, combined to inspire him with the warmest attachment to the principles of civil liberty as secured by our excellent constitution. We are happy to learn that your Excellency, while abroad in the services of your country, by a comparison of our condition with that of the most highly favoured nations of Europe, has perceived new reasons to appreciate the peculiar blessings of our enviable situation. The House of Representatives join with your Excellency in sentiments of profound gratitude to the Almighty Ruler of the Universe, for the valuable inheritance derived through his providence, from the toils and sacrifices of our pious ancestors. We feel new confidence in the hope of transmitting it unimpaired to prosperity, when our citizens, by their free suffrages, commit the administration of their government to those, whose claims to their confidence is founded on their observance of sound principles, the wisdom of their political councils, and the utility of their publick services.

The general principles of government, and the maxims of administration which your Excellency has adopted as the rule of your publick conduct, meet our cordial approbation. In their

effects we anticipate that social happiness, which can result only from the exercise of candour and magnanimity.

We feel sincere pleasure in the assurance of the observance, on the part of your Excellency, of those great fundamental principles of our constitution and of all republican governments, which ought never to have been denied in argument nor violated in practice. We rejoice in a recurrence to the first principles of the social compact ; that all power resides in the whole people ; the government is instituted for their " protection, safety, prosperity and happiness," and " not for the profit, honour, or private interest of any one man, family, or class of men;" in short, that offices of honour or emolument are not intended to strengthen the hands of party, but to promote the publick good. They ought not to be bestowed as bribes to induce or reward political fidelity or apostacy, but to place the publick interest in the charge of men, whose principles and feelings secure their interest in its support. At the same time, it is equally evident, that those who want integrity, or the talents and information requisite for the discharge of the duties of their offices ; that such as are disqualified by an abuse of power, a neglect of duty, or a prostitution of their offices to the purposes of party ; all such, in fact, as may conduct themselves in a manner " that is injurious to the reputation of government, and to the interests of the people," ought to be removed, without apprehension that calumny may impute such removals to improper motives. From an adherence to the maxims and principles expressed in your Excellency's communication to the Legislature, we entertain no doubt that your Excellency will enjoy the confidence of the people in your administration, and the hearty support of the wise and good of all parties. Under their conciliatory influence, we predict that the violence of party spirit will be assuaged, and that we shall rest secure from the evils and dangers which naturally result from an unprincipled political proscription.

The early provision for the publick worship of God, and for the support of the gospel ministry, are among the most striking proofs of the wisdom as well as of the piety of our ancestors. These institutions have not only contributed essentially to individual happiness, but have had the most beneficial effects upon

the habits, the manners, and the character of the people of New England. That the happiness of a people, and the good order and preservation of civil government depend upon piety, religion, and morality, and cannot be generally diffused through a community, but by the support of learned and pious teachers, are truths, which every day's experience confirms. But the constitution, in providing for the maintenance of the christian religion, has happily prescribed no particular creed or mode of worship. Hence christians of every denomination are equally entitled to all the advantages to be derived from government, and can in no instance be subjected to pains or penalties for non-conformity. There can be no doubt that every wise Legislature will most sedulously promote the interests of morality and religion from a reference to this as well as to a future life.

The framers of the constitution, in making it "the duty of the Legislature, in all future periods, to cherish the interests of literature and the sciences," had in view the preservation of the rights and liberties of the people. The diffusion of knowledge has been an object dear to the Legislature from the earliest period of our government. The encouragement of colleges, academies and schools has produced the most important blessings to our country. To this source preeminently is to be traced the enlightened and refined state of society ; and to this cause principally is to be imputed the enjoyment of our government, and all our civil privileges. The true glory of states, as well as of individuals, has been derived, in a great degree, from the patronage of the arts and sciences. A Legislature, then, which can be inattentive to their encouragement, must be equally insensible to the glory, and indifferent to the interest of their country.

Agriculture has been ranked among the most useful and honourable employments, by every civilized nation. The encouragement which has been afforded to this branch of industry by the establishment and exertions of different societies, has been highly honourable to these societies, and useful to the Commonwealth. Any measures within the power of the Legislature to adopt, which may tend to the improvement of our agriculture, shall receive the attentive consideration of the House of Representatives.

Your Excellency's observation, that "manufactures and commerce promote agriculture, as they offer the most liberal rewards for all its productions," has been strikingly verified, as far as it respects commerce, during the late suspension of foreign intercourse. If, amidst all the consequences, which have resulted from the late Embargo system, any thing of publick utility can be perceived, it is that the people of the United States have discovered the intimate and necessary connection between agriculture and commerce ; that the prosperity or the decline of the one necessarily involves that of the other. In a country where land is procured at a moderate price, and where labour does not exceed the commands of cultivation, it is hardly to be expected that we should soon become an extensively manufacturing people. Yet there are certain manufactures of the first necessity, and others of great utility, which deserve the encouragement of the Legislature.

The misfortunes of individuals necessarily incident to an extended and enterprizing commerce, to which your Excellency alludes, whilst they excite our commiseration, call for the serious attention of the Legislature. Whether any relief can be afforded by the government of this Commonwealth, to such of our own citizens as have suffered these misfortunes, will be a subject of anxious and diligent inquiry.

The House of Representatives is deeply impressed with the importance of supporting an able and independent Judiciary by honourable and permanent salaries. No subject can be of more extensive concern. This branch of our government was intended to be the strong hold of the people against the encroachment of power, the intrigues of faction, and the influence of corruption. Whilst justice shall be administered by men of the first talents, information and integrity, the constitution has an anchor which may save it in the severest storms ; the people have a shield which may protect them in the worst of times. "The business of this Court," as your Excellency observes, "is so extensive, various and important, that it can be properly performed, and with sufficient despatch, by none but the ablest men." True economy, as well as common justice, therefore, demands that the salaries of the Judges of this court should be such, as not to leave

to men of this description, the alternative either to resign their places, or sacrifice their property in the publick service.

The Militia of this Commonwealth has at all times been considered a subject deserving the attentive consideration of the Legislature. It is the natural and principal defence of the country. The Militia laws, however, have many defects, which we trust may be remedied by their careful revision. The subject is before the Legislature. Whatever can be suggested to improve the system, or to encourage the Militia, shall receive the ready support of the House of Representatives.

The security of the Treasury from fraud and negligence is an object so important, that it will still command our attentive consideration. If any measures can be devised, in addition to those of the last year, to secure the publick money, they will certainly be adopted.

We most cordially reciprocate the congratulation of your Excellency at the prospect of reviving Commerce, and the renewal of all its attendant blessings. The present administration of the general Government has had the wisdom to discern, and the patriotism to commence a course of policy respecting our commerce and foreign relations, which is calculated to promote the prosperity, and to secure the peace and the independence of our country. So long as any administration shall pursue a system of measures directed to these great ends, it will command the gratitude and receive the approbation of the citizens of Massachusetts.

The patience and firmness discovered by the people of this Commonwealth, during the long continuance of a series of destructive measures unprecedented in the annals of a free country, must ever be a cause of gratulation, and reflect the highest honour upon those, who sustained these severe distresses rather than resort to violence, and hazard the peace, or the union of the States. We have abundant reason to be grateful to an over-ruling Providence which averted that ruin, which threatened to involve the country.

In reviewing the proceedings of the Legislature of the last year, we are happy to find that they exhibited the moderation and firmness of enlightened freemen. They contributed without

doubt, to produce the change of measures which has since so happily succeeded. But although this favourable change in our publick affairs has taken place, it becomes a wise and prudent people to devise and adopt measures to prevent the recurrence of similar evils. With this view, we conceive that an amendment of the constitution, which shall no longer leave it questionable whether Congress can constitutionally enact a perpetual Embargo law, is an object of the first importance. We therefore entertain a confident hope, that all parties will unite in so explaining the constitution, that the power to regulate commerce will never again be construed to imply a power to authorize a permanent law for its suspension.

MAY IT PLEASE YOUR EXCELLENCY,

The House of Representatives pledge themselves to co-operate with your Excellency in the adoption of such measures as shall seem best calculated to promote the interests of the people, and they confidently hope that our joint efforts during the present year may contribute to the harmony, good order, prosperity and happiness of our constituents.

RESOLVES.

I.

Resolve on the petition of Nathan Adams, of Charlestown.
June 7, 1809.

On the petition of Nathan Adams, of Charlestown, in the county of Middlesex, administrator on the estate of Joseph Carnes, late of Cambridge, in said county, Ropemaker, praying that his affidavit of his proceeding, relating to the sale of said Carnes's real estate, made in the Court of Probate on the twelfth day of May now last past, and recorded, together with a copy of one of the original advertisements in the registry of Probate in said county, may be valid in law, although not done within seven months after the day of sale, as by law provided should have been done :—

Resolved, That the prayer of the petition be granted and that the registry of the affidavit and copy of the original advertisement shall be valid and have the same force and effect in law, as if the same had been done within seven months after the day of sale of said Carnes's real estate; any law, usage or custom to the contrary notwithstanding.

II.

Resolve determining the pay of the Council and General Court.
June 7, 1809.

Resolved, That there be allowed and paid out of the publick Treasury, to each member of the Council, Senate, and House of Representatives, two dollars per day, for each day's attendance, the present session, and the like sum for every ten miles travel, from their respective places of abode to the place of the sitting of the General Court.

And it is further resolved, That there be paid to the President of the Senate and Speaker of the House of Representatives, each, two dollars per day, for each and every day's attendance, over and above their pay as members.

III.

*Resolve for releasing Ephraim Norris from a recognizance.
June 8, 1809.*

On the petition of Ephraim Norris, praying to be relieved from a recognizance by him entered into for the appearance of one Lemuel C. Allen :—

Resolved, For the reasons set forth in said petition, that upon the petitioner's paying all costs which have accrued, or may accrue, on any suit commenced on said recognizance, or on any judgment which may be recovered, or on any execution which may be issued thereon, that the said Norris be, and he hereby is discharged therefrom.

IV.

Resolve empowering William B. Bradford to execute a deed of his Ward's land in Minot. June 8, 1809.

On the petition of William B. Bradford, of Boston, in the county of Suffolk, and Commonwealth of Massachusetts, Tailor, as he is guardian of Joseph Nash Bradford, of Boston aforesaid, merchant, non compos mentis :—

Resolved, That the said William B. Bradford, be, and he hereby is authorized and empowered to make, execute and acknowledge, in his capacity aforesaid, sufficient deed or deeds to Nathan Woodbury, of Minot, in the county of Cumberland, Yeoman, of and in the following piece or parcel of land, "lying and being in said Minot, being the same land and premises the said Woodbury purchased of Daniel Cush, and being the whole of the lot, except the piece Benjamin Lane sold to John Woodman, and also the potash near the said premises, standing on land owned by Josiah Little, said lot being number seventy three in the first division of lots in said Minot ; and all the buildings standing on the premises aforesaid, and being the same premises lately occupied by Daniel Cush, and which said Woodbury purchased of him ;" of all the right, title, and estate which the said Joseph Nash Bradford had in and to the same by virtue of the said Nathan Woodbury's deed to him, bearing date the twenty fourth day of July, in the year of our Lord one thousand eight hundred and six, so as that all the title

to the said estate, which is now in the said Joseph Nash Bradford, may be reconveyed to the said Nathan Woodbury, as fully to all intents, as though he the said Nathan Woodbury, had never conveyed the same, saving to all other persons any rights in and to the premises, to which by law they are or may be entitled.

V.

Resolve authorizing the First Parish in Haverhill to sell Parsonage land. June 9, 1809.

Whereas the inhabitants of the First Parish in the town of Haverhill represent, that the Parsonage lands appropriated for the use of the minister and his successors in said Parish are situated on the principal street in said town, and if a part of them were sold for houselots and other purposes, it would accommodate the publick, ornament the town and enrich the parish :—

Therefore Resolved, that such committee as the parish may appoint, with the consent of the minister or his successors, are hereby authorized to sell and convey, in fee simple, so much of the lands aforesaid, as said Parish, at a legal meeting holden for that purpose, may from time to time direct : *Provided*, that the whole proceeds of said sales be kept forever as a fund, the interest or income of which shall be appropriated, exclusively, for the support of the minister or his successors in said parish, and be managed by trustees.

VI.

Resolve authorizing Mason Shaw, Esq. to call a meeting of the Proprietors of Fort Point Ferry, and confirming the doings of said proprietors. June 9, 1809.

Whereas it appears that the proprietors of Fort Point Ferry failed to elect a Clerk, President, Treasurer and such other officers as might be necessary to carry into effect the object of said corporation, on the first Monday of January, A. D. 1808, as, by the act and bye-laws of said corporation, should be done, annually, and ought to have been chosen on that day : Therefore

Resolved, That Mason Shaw, Esq. be authorized to issue his warrant for the purpose of calling a meeting of said proprietors,

for the choice of officers, aforesaid, and such committees as may be necessary for managing the concerns of said proprietors.

Resolved, That the acts of said proprietors, transacted at meetings called and notified according to their bye-laws, since the first Monday of January aforesaid, be and hereby are confirmed.

VII.

Resolve authorizing William B. Bradford to execute a deed to Julia Ann Cushing and Mary Keith Cushing. June 9, 1809.

On the petition of William B. Bradford, of Boston, in the county of Suffolk, and Commonwealth of Massachusetts, Tailor, as Guardian to Joseph Nash Bradford, of said Boston, merchant, non compos mentis :—

Resolved, That the said Wm. B. Bradford, be and hereby is authorized in his capacity of guardian to said Joseph Nash Bradford, to make, execute and acknowledge sufficient deed or deeds to Julia Ann Cushing and Mary Keith Cushing, minors, and children of John Cushing, late of said Boston, merchant, deceased, of his the said Joseph Nash Bradford's right, title, interest and estate of, in, and to a certain lot of land situated in Gray, in the county of Cumberland, and Commonwealth aforesaid, bounded as follows, viz. "Beginning at a stake standing at the southeasterly side of the road leading to New Gloucester, about five rods seven feet and a half ; easterly of Joseph Mc. Lellan's store in said Gray, and running northeastwardly adjoining said road, one hundred and fifty two rods ; thence southeastwardly adjoining a town road twenty-two and a half rods ; thence southwestwardly adjoining David Jordan's land, sixty eight rods ; thence southeastwardly fourteen rods, adjoining said Jordan's land ; thence southwestwardly adjoining said Jordan's land, forty seven rods ; thence southwestwardly forty five rods adjoining the road leading to North Yarmouth ; thence northwestwardly twenty eight rods, adjoining land owned by Stephen Firbush ; thence southwestwardly adjoining land owned by Bucknam and Phelps, about eleven and a half rods, to the first mentioned bounds ; containing forty two acres, more or less, together with a dwelling house and other buildings standing thereon," so that the same estate shall be absolutely vested in the said Julia Ann Cushing, and Mary Keith Cushing and their heirs, released from all the right,

title, claim and demand of the said Joseph Nash Bradford therein, *saving nevertheless*, to all other persons any rights in and to the premises, to which they are or may be by law entitled.

VIII.

Resolve on the petition of Joseph Wales, directing the Judge of Probate, for Worcester County, to cite certain persons. June 9, 1809.

On the petition of Joseph Wales, of Lancaster, in the county of Worcester :—

Resolved, for the reasons set forth in said petition, That the Judge of Probate for said county be, and he is hereby directed to cite Jacob Bennet, Nathan Smith, Thomas Bennet, Timothy Smith, Catherine Willard, Samuel Ward, Timothy Paine, Peter Greene, Willard and Ward, Treasurer of Harvard College, Israel Atherton, Joshua Willard, Margaret Alford, Asahel Bush, Andrew Poor, David Hosley, Wm. Greenleaf, Robt. M'Kown, Jonas Cutler, Nathl. Balch, James Otis, Wm. Foard, Joseph Lee, and Miles Whitworth, original creditors to the estate of Abijah Willard, late of said Lancaster, an Absentee, deceased, their heirs or administrators, by publishing in the Worcester Spy, printed at Worcester, and in the Columbian Centinel, printed in Boston, a notification to said creditors, their heirs and assigns, setting forth the substance of said petition and of this resolve; the last publication to be thirty days before the time by said Judge appointed for the hearing; to appear and shew cause why the said Joseph Wales should not receive the benefit of said claims; and in case it shall appear to the said Judge, from the non-appearance of said creditors, their heirs, executors, administrators or assigns, or from a hearing of said creditors, their heirs, executors, administrators or assigns, that the said Joseph Wales is entitled to the benefit of said claims, that the said Judge be, and he is hereby directed, authorized and empowered, to make out his decree accordingly—and to direct the administrator of the estate of the said Abijah Willard, deceased, to pay to the said Joseph Wales the monies to which the said creditors, their heirs, executors or administrators would be otherwise entitled—and the said administrator is hereby directed and authorized to pay said monies to said Joseph Wales, whose receipt shall be a full discharge to said administrator therefor.

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IX.

*Resolve authorizing Samuel Parkman and William B. Bradford,
to execute a deed to Nathan Woodbury. June 9, 1809.*

On the petition of Samuel Parkman of Boston, in the county of Suffolk, and Commonwealth of Massachusetts, merchant, as executor of the last will and testament of John Cushing, late of said Boston, merchant, deceased, and of William B. Bradford of said Boston, Tailor, as guardian to Joseph Nash Bradford, of said Boston, merchant, non compos mentis :—

Resolved, That the said Samuel Parkman and William B. Bradford be, and they hereby are authorized and empowered to make, execute, and acknowledge, in their respective capacities, aforesaid, sufficient deed or deeds to Nathan Woodbury, of Minot, in the county of Cumberland, yeoman, formerly of Paris, in the said county, trader, of "seven lots or parcels of land situate, lying and being in township number one in the county of Cumberland, on the north side of Androscoggin river, which said lots are number four in the eighth range, number fourteen in the same, number seventeen in the fourth range, number three in the fifth range, number sixteen in the sixth range, number six in the third range, and number eleven in the seventh range, James Taylor being the original proprietor," of all the right, title, and estate which the said Cushing and Bradford had in and to the same by virtue of the said Nathan Woodbury's deed to them bearing date the seventeenth day of August, in the year of our Lord one thousand eight hundred and two, so as that all the title to the said lots of land which is now in the heirs and devisees of the said John Cushing and in the said Joseph N. Bradford may be reconveyed to the said Nathan Woodbury as fully to all intents, as though he the said Nathan Woodbury had never conveyed the same, saving to all other persons any rights in and to the premises to which by law they are or may be entitled.

X.

Resolve granting the Hon. Theodore Sedgwick one hundred and ninety two dollars for prosecuting libels against absentees' estates in Berkshire. June 9, 1809.

On the petition of the Hon. Theodore Sedgwick, Esq. :
Resolved, That there be paid out of the Treasury of the Commonwealth to the Hon. Theodore Sedgwick, the sum of one hundred and ninety two dollars in full compensation for his services for prosecuting to final judgment, twenty-four libels in favour of this Commonwealth, against the estates of Absentees in the county of Berkshire, at the Court of Common Pleas for that county, in the year of our Lord one thousand seven hundred and eighty-two.

XI.

Resolve granting Samuel Riddle, of Charlemont, fifteen dollars for procuring the apprehension of one Aaron Gould. June 10, 1809.

On the petition of Samuel Riddle, praying for indemnification for time and money expended in detecting Aaron Gould in passing counterfeit money :—

Resolved, That there be allowed and paid out of the publick treasury to Samuel Riddle, the sum of fifteen dollars, in full satisfaction for his services and expenditures, as set forth in his petition.

XII.

Resolve on the petition of Samuel Smith, authorizing Executors of Henry Jackson, Esq. to convey one share in the Boston Theatre. June 12, 1809.

On the petition of Samuel Smith, praying that the executors of Henry Jackson might be authorized to transfer and convey to said Smith one share in the Boston Theatre, in conformity to a memorandum of an agreement in writing made by the said Jackson, during his life :—

Resolved, That Elisha Sigourney and Judah Hays, executors of the last will and testament of Henry Jackson, be and here-

by are authorized and empowered to transfer and convey to the said Samuel Smith, by a good and sufficient deed, one share in the Boston Theatre, in conformity to the said agreement; which said deed, so executed, shall be good and valid to vest in the said Smith the share aforesaid.

XIII.

Resolve discharging Abner Kellogg and Amos Kellogg from their recognizance, on condition. June 12, 1809.

On the petition of Abner Kellogg and Amos Kellogg, pray for relief from their recognizance to the Commonwealth, in the sum of four hundred dollars, for the appearance of Ezra Kellogg before the Supreme Judicial Court, holden at Lenox in the county of Berkshire, on the first Tuesday of May last:—

Resolved, For reasons set forth in said petition, That, provided the said Abner and Amos Kellogg pay to the treasurer of the county of Berkshire for the use of the Commonwealth, the sum of two hundred dollars, being one half of the amount of their recognizance, together with all costs and charges thereon, the said Abner and Amos be discharged from the forfeiture of their said recognizance.

XIV.

*Resolve rendering Town Meetings in Gilead valid.
June 12, 1809.*

On the petition of the inhabitants of the town of Gilead, in the county of Oxford, stating that their town clerk has not been sworn into office as the law directs, and doubts have arisen whether the doings of said town at their town meetings, are legal, and praying that their several town meetings held in said town, from the twenty second day of October, 1804, to, and including the seventh day of March, 1809, may be rendered valid, the neglect of the town clerk to be sworn notwithstanding:—Therefore

Resolved, That the several town meetings held in said town of Gilead, as aforesaid, be, and they hereby are rendered good and valid, as though the town clerk had been duly qualified, and all proceedings otherwise legal, had at the sever-

al town meetings aforesaid, be and they hereby are fully ratified and confirmed, as though the town clerk had been sworn according to law.

XV.

Resolve on the petition of Crocker Wilder, granting him one hundred and fifty dollars and a pension. June 12, 1809.

On the petition of Crocker Wilder, of Hingham, praying for compensation for a wound he received while on military duty on the seventh day of October, 1789, in said Hingham:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the said Crocker Wilder, in consequence of his having lost his left hand while performing military duty on the said seventh day of October, 1789, the sum of one hundred and fifty dollars, to reimburse to him the several sums paid doctors, nurses, and other expences, an annuity or pension of five dollars per month, during his natural life, or till the further order of the Legislature, to commence from and after the thirty-first day of May, in the year of our Lord one thousand eight hundred and nine.

XVI.

Resolve empowering Simeon Fowler to convey to Cornelius Brown half an acre of land in Orrington. June 12, 1809.

Resolve on the petition of Simeon Fowler and Dorcas Perry of Orrington, county of Hancock, praying that they may be authorized to make and execute a deed of conveyance of a certain lot of land situated in said Orrington, to Cornelius Brown:

Resolved, for reasons set forth in said petition, That the prayer thereof be so far granted, that the said Simeon Fowler, administrator on the estate of Isaac Perry, of said Orrington, deceased, be, and he hereby is authorized and empowered to convey to the said Cornelius Brown, about half an acre of land in said Orrington, and bounded in part by a road leading to said Brown's Ferry, and otherwise by land of the said Isaac Perry, —and to make and execute a good and sufficient deed, to pass the same which shall be valid in law to all intents and purposes, as if the said Isaac Perry had done the same in his life time; the said administrator first giving bond with sufficient surety

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to the Judge of Probate for the county of Hancock, to account for the monies arising from the same.

XVII.

Resolve on the petition of Ethan Ely, granting to the Hampshire Missionary Society one hundred and fifty dollars for the support of Lazau Williams. June 13, 1809.

On the petition of Ethan Ely, praying for the further aid of the Legislature in the support and education of Lazau Williams, an Indian, a descendant of the late Rev. John Williams, formerly minister of Deerfield :—

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the trustees of the Hampshire Missionary Society, the sum of one hundred and fifty dollars, for the purpose of supporting, clothing, and educating the aforesaid Lazau Williams, and for all expenses relating thereto, from the first day of June, one thousand eight hundred and six, to the first day of June one thousand eight hundred and nine; the said trustees to be accountable therefor: and his Excellency the Governour, by and with the advice of Council, is requested to grant a warrant on the treasury accordingly.

XVIII.

Resolve, authorizing the Attorney and Solicitor General respecting the votes given in Norridgewock for Governour and Lieutenant Governour. June 14, 1809.

Whereas the return of votes from the town of Norridgewock, for the election of Governour and Lieutenant Governour, for the present year, was fraudulently forged and altered with an intention to affect the election of the aforesaid officers of Government :—

Resolved, That the Attorney General and Solicitor General be and they hereby are respectively ordered to take all proper measures to detect and bring to punishment the perpetrator or perpetrators of the alleged crime; and that they be and hereby are authorized and empowered to offer a reward of five hundred dollars to whomsoever shall inform against the guilty in this offence, and obtain the necessary evidence

so that the perpetrator or perpetrators of said crime be thereof convicted.

And His Excellency the Governour is hereby requested and authorized to draw his warrant on the treasury of this Commonwealth for said sum, in favour of such person or persons, as the Attorney General or Solicitor General shall certify to His Excellency to be thereto entitled in virtue of this resolve.

XIX.

Resolve granting a tax for the counties of Bristol, Plymouth, Kennebeck, Lincoln and Oxford. June 14, 1809.

Whereas the treasurers of the following counties, have laid their respective accounts before the Legislature for examination, which accounts have been examined and allowed; and whereas the clerks of the Courts of Sessions for the said counties have exhibited estimates, made by the said Courts, of the necessary charges likely to arise within said several counties for the year ensuing; and of the sums necessary to discharge the debt of the said county:—

Resolved, That the sums annexed to the following Counties, be, and the same are hereby granted as a tax, for each county respectively, to be apportioned, assessed, paid, collected and applied, for the purposes aforesaid, according to Law.

Bristol, two thousand dollars,	- - - - -	2000
Plymouth, two thousand dollars,	- - - - -	2000
Kennebeck, three thousand dollars,	- - - - -	3000
Lincoln, thirteen thousand, seven hundred,	{	
twenty one dollars and ninety one cents,	}	13721 91
Oxford, thirteen hundred and thirty dollars,		1330

XX.

Resolve on the petition of Jacob Chamberlain, discharging him of an Execution. June 14, 1809.

On the petition of Jacob Chamberlain, of an unincorporated place in the county of Hancock, called Old Town Falls, praying this General Court to remit to him the amount of an Execution in favour of the Commonwealth, for the sum of two hundred and fifty dollars recovered on his recognizance for his

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appearance before the Justices of the Supreme Judicial Court holden at Castine, within the County of Hancock, on the third Tuesday of June, A. D. 1807 :—

Resolved, That the sheriff of the county of Hancock be, and and hereby is required to discharge said Jacob Chamberlain from the execution aforesaid, on his paying all prison fees and all costs which have arisen in the prosecution of the recognizance aforesaid.

XXI.

Resolve on the petition of Jesse Robinson, granting him fifty dollars.
June 14, 1809.

Whereas Jesse Robinson, of Hallowell, in the county of Kennebeck, while passing through the town of Rome, on the twenty ninth day of August last, to execute the duties of his office, as a Deputy Sheriff, for said county, had his horse killed by the discharge of a musket loaded with three balls, by some unknown person, disguised as an Indian ; and the said Robinson having petitioned this Court to afford him relief :— Wherefore,

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to the said Jesse Robinson, the sum of fifty dollars ; and the Governour with the advice of Council, is hereby authorized and empowered to draw his warrant in favour of said Robinson on the treasurer for said sum.

XXII.

Resolve on the petition of Lieutenant Colonel Thomas Badger, respecting the Legionary Brigade under his command. June 15, 1809.

Resolved, That the Governour be and he is hereby authorized, with the advice of Council, to issue his orders to the Major General or the commanding officer of the First Division, to have the number of Infantry Companies which now compose the Infantry of the Legionary Brigade in the town of Boston, including the company in Chelsea, augmented to twenty four or thirty two companies, and to have them formed into Regiments, and to be numbered from one to three or four in the Legionary Brigade.

XXIII.

Resolve on the petition of Samuel Parker, as administrator of the estate of Simon Gilson. June 15, 1809.

Upon the petition of Samuel Parker, praying to be restored to the benefit of an act entitled, "an act for limiting the time within which suits may be prosecuted against executors and administrators, and for perpetuating the evidence of notice given by them and by guardians and others respecting the sale of real estate :—

Resolved, for the reasons set forth in said petition, That upon the said Parker's posting up in two or more publick places in Pepperell, in the county of Middlesex, due notice of his having been appointed administrator of the goods and estate of Simon Gilson, late of said Pepperell, deceased, and of his acceptance of said trust, and also inserting the same notice in the newspaper printed at Boston by Adams and Rhodes, three weeks successively, before the first day of September next, and upon his making and filing in the Probate Court for said county, before the first day of November next, an affidavit of his having given such notice, accompanied with an original notification or a copy thereof, of his having undertaken said trust, he the said Parker shall be entitled to all the benefits of the said act in as full and ample a manner, to all intents and purposes, as if notice had been given of his said appointment and affidavit thereof, filed in said Probate Court, within the time and in the manner limited and prescribed by the said act, except that no creditor of the estate of the said Simon, deceased, shall be barred by the provisions of the third section of the said act, from prosecuting any suit against the said administrator, which shall be commenced at any time within three years from the first day of November next.

XXIV.

Resolve authorizing the raising a company of Light Infantry out of the two companies of Artillery in Marblehead. June 15, 1809.

On the petition of Joshua O. Bowden and others, praying for leave to raise a Company of Light Infantry in the town of Marblehead :—

Resolved, That for reasons set forth in said petition His Excellency the Governour, with the advice of Council, be and

he is hereby authorized and requested to raise by voluntary enlistment, a company of Light Infantry out of the two companies of Artillery, in the town of Marblehead, to be annexed to the battalion in said town, and subject to such rules and regulations as are provided by law for governing the militia of this Commonwealth.

Provided, that neither of the standing companies in said battalion, shall thereby be reduced to a less number than is required by law.

XXV.

Resolve on the petition of Hezekiah Wyman, of Bath, in the county of Lincoln. June 16, 1809.

On the petition of Hezekiah Wyman, of Bath, in the county of Lincoln :—

Resolved, That Abiel Heywood, executor of the last will and testament of Jonathan Heywood, late of Boston, in the county of Suffolk, deceased, be and hereby is authorized to convey by deed to said Wyman, his heirs and assigns, all the right, title, and interest of which the said Jonathan Heywood died seized and possessed, in and to the following described lot of land, situate in said Bath, and bounded as follows viz :—Beginning on the north side of a lane leading from Washington Street, to the house of Jesse Russell, eleven rods and four links west from David Standish's west line ; thence running west four rods, then north six rods, then east four rods, and thence south six rods to the first bounds.

XXVI.

Resolve on the petition of Justin Ely, jun. of West Springfield. June 16, 1809.

On the petition of Justin Ely, jun. of West Springfield, in the county of Hampshire, stating that his late wife Lucy Ely, now deceased, was owner of one undivided sixth part of a tract of land lying in Petersham, in the county of Worcester, bounded easterly on a highway, south on land of John Gates, west on land of Joel Bryant, John Gates, and Zarah Houghton, containing about seventy five acres, with a dwelling house standing thereon ; that in October 1806, the other owners of

said land, having bargained with John Gates, of Petersham, to sell him their respective interests therein, he joined with them in a bond to the said Gates, that upon payment of the sum of fourteen hundred and fifteen dollars, which was the consideration for the whole farm, conditioned to convey to him the same by good and sufficient title; that in January 1808, the said Lucy died, leaving three infant children; that the said Gates has paid the principal part of the consideration: and praying that, upon payment of the residue, he may be authorized and empowered to convey said land to said Gates according to the tenor of said agreement:—

Resolved, That the said Justin Ely, jun. be and he hereby is authorized and empowered to convey to the said John Gates, all the right which his late wife Lucy Ely, now deceased, had in the tract of land above described: *Provided*, That he give bonds in such sum and with such security as the Judge of Probate for the county of Hampshire shall approve, that the money arising from the sale of said estate shall be placed upon interest for the benefit of his three infant children, Theodore Ely, Charles Ely, and Lucy Baron Ely.

XXVII.

Resolve on the petition of John Peirce, of Hinsdale, granting him thirty dollars. June 16, 1809.

Whereas John Peirce of Hinsdale, in the county of Berkshire, has represented to this Court that in the month of March last, Thomas Wing, of said Hinsdale, was apprehended and committed to the Prison in said county, upon a charge of passing counterfeited bank bills; and afterwards recognized with sufficient sureties for his appearance at the Supreme Judicial Court, which was holden at Lenox, in and for said county, on the first Tuesday of May last, to answer to the said charge, but did not appear; whereby the amount of said recognizances, being twelve hundred and fifty dollars, have become forfeited to the government; and that he the said John in detecting and procuring the commitment of said Thomas, spent much time and expended about twenty dollars:—

Resolved, That there be allowed to the said John Peirce, the sum of thirty dollars, to be paid him out of the monies which may be collected on the recognizances aforesaid, and not otherwise; the payment to be made by the Attorney or Solicitor

General, or Treasurer of the county of Berkshire, whoever of them shall have received the same for the Commonwealth; and the receipt of said John Peirce, shall be a sufficient voucher to that amount, for said Attorney or Solicitor General, or county Treasurer, in his settlement of his account.

XXVIII.

Resolve on the petition of David Payson and others. June 16, 1809.

On the petition of David Payson and Abiel Wood, jun. of Wiscasset, in the county of Lincoln, Esquires, shewing that the petitioners recognized in the sum of two hundred and fifty dollars each, as sureties for the appearance of one Artemas Wilder, a native of Vermont, before the Justices of the Supreme Judicial Court; and that at the Supreme Judicial Court helden at Wiscasset, on the first Tuesday of June, A. D. 1808, the said Wilder not appearing, his recognizance was forfeited and defaulted, and writs of scire facias have issued and are now pending against said Payson and Wood:—

Resolved, for reasons set forth in said petition, That the said David Payson and Abiel Wood, jun. be discharged from their respective recognizances as aforesaid, for the judgments rendered on said writs of scire facias, severally, and from the costs thereto appertaining.

XXIX

Resolve on the petition of Abigail Prescott. June 16, 1809.

On the petition of Abigail Prescott, of Boston, widow of Ephraim Prescott, deceased:—

Resolved, for reasons set forth in said petition, That this Commonwealth does hereby release to the said Abigail Prescott, all right, title and interest which they have in seventeen lots of wild land in East Andover, in the county of York, formerly belonging to the said Ephraim Prescott, of which he died seized, and which for want of heirs, escheats to the Commonwealth.

XXX.

Resolve on the petition of Abraham Bazin, administrator on the estate of Peter Boyer, deceased. June 16, 1809.

On the petition of Abraham Bazin, administrator on the estate of Peter Boyer, late of Boston, in the county of Suffolk,

merchant, deceased, intestate, stating that said Peter Boyer in his life time, being indebted unto John Buckley, late of said Boston, merchant, deceased, in the sum of five hundred ninety two dollars sixty three cents, promised said Buckley to convey to him towards the payment of said demand, his said Boyer's part of the real estate which descended to him in right of his honoured mother, Susanna Boyer, deceased, being one quarter of one sixth part of a certain dwelling house and land situate in Boston, aforesaid, bounded easterly on Fish-street, northerly on Wood Lane so called; westerly on land of John Prout and others, and southerly on land of Martha Oliver; but said Boyer died before he executed the deed thereof according to his promise, said Buckley has also since deceased, leaving Mary Hewes, wife of Richard B. Hewes, an only child and heir:—

Therefore, Resolved, That said Abraham Bazin, administrator as aforesaid, be and he is hereby authorized and empowered to make and execute a good and sufficient deed of said one quarter of one sixth part of said dwelling house and land, bounded as aforesaid, being said Peter Boyer's part of the real estate which descended to him in right of his mother Susanna Boyer, deceased, to said Mary Hewes, to hold to her, her heirs and assigns: which shall be considered as valid and effectual in law, as a deed thereof would have been if executed by said Peter Boyer to said John Buckley in their life time, according to said promise.

XXXI.

Resolve on the petition of John Tedder, of Marblehead.

June 16, 1809.

Whereas Major John Tedder, of Marblehead, in the county of Essex, has petitioned the Legislature for compensation for the expences he has been at in removing the Gun House in said Town:—

Resolved, for reasons set forth in said petition, That there be allowed and paid out of the treasury of this Commonwealth to said John Tedder, the sum of thirty dollars, to be in full for all the expences he has been at in removing the Gun House in Marblehead.

RESOLVES, June 17, 1809.

XXXII.

Resolve granting pay to the Clerks in the Secretary's and Treasurer's offices. June 16, 1809.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the first clerk in the Secretary's office, three dollars and eighty four cents per day, and to each of the other clerks in said office, three dollars per day, for each day they are respectively employed therein, for one year commencing the first day of the present month of June.

And be it further Resolved, That there be allowed and paid out of the treasury aforesaid, to each of the two clerks in the Treasurer's office, the sum of three dollars and eighty four cents, for each day they are respectively employed therein for one year, commencing the first day of the present month of June.

XXXIII.

Resolve appointing Commissioners to examine and settle the Accounts of the State Treasurer. June 17, 1809.

Resolved, That Jonathan Jackson, Benjamin Weld and Samuel Brown, be commissioners to examine, adjust, and settle the accounts of Josiah Dwight, Esq. Treasurer and Receiver General of this Commonwealth, from the time of his entering on the duties of his office, to the thirtieth day of June instant, inclusively; and the said commissioners are directed and empowered to deface all notes, and due bills, orders, or other obligations, issued under the authority of this Commonwealth, by any officer thereof, which have been redeemed by the Treasurer or his predecessors; and to report their proceedings at the next session of the General Court.

XXXIV.

Resolve on the petition of Eben. Preble. June 17, 1809.

On the petition of Eben. Preble, of Boston, in the county of Suffolk, merchant, representing that his father, Jedidiah Preble, late of Portland, in the county of Cumberland, deceased, in the year one thousand seven hundred and eighty one, in-

tended to convey to said Eben. a certain part of a lot of land, situate on Middle street, in said Portland, and that by mistake of the person employed to draft the deed in referring to former deeds for description, a part of said lot which the said Jedidiah had before conveyed, was described in the deed to said Eben. instead of the part intended to have been conveyed to said Eben. ; and that the deed to said Eben. having been recorded before the preceding deed, his title became perfect to the land which the said Jedidiah had no intention to convey, and which the said Eben. had no intention to take ; and that the said Eben. is desirous to obtain a conveyance of the land which ought to have been conveyed to him, and to release all right and title to that land which was sold to others ; and further representing that such conveyance to him cannot be made by reason of the great number and dispersed situation of the heirs at law of said Jedidiah, and because there are among them many minors. And publick notice of said petition having been given according to the order of the Senate and House of Representatives, and no objection having been made to granting the prayer thereof :—

Be it therefore Resolved, that Enoch Preble of Portland, in the county of Cumberland, merchant, one of the sons of Jedidiah Preble, late of said Portland, Esq. deceased, be and he hereby is authorized and empowered, to make, sign, seal, and acknowledge in due form of law, a deed of conveyance to Eben. Preble, of Boston, in the county of Suffolk, merchant, of all the right, title, interest and estate, of the heirs at law of Jedediah Preble, Esq. late of said Portland, deceased, in and to a certain piece or parcel of land situate in said Portland, and described as follows, viz.—Bounding southeastwardly on Middle street, and there measuring three rods northwestwardly by land conveyed by John Barber to Enoch Knights, and by said Enoch to said Jedidiah by deed bearing date the twenty seventh day of April, 1765 ; northwestwardly by the lots which run southeastwardly from Backstreet ; northeastwardly beginning on said Middlestreet, at the corner of Zachariah Nowell's house, and thence running northwestwardly nine rods and an half, to a fence and woodhouse ; thence southwest by a stable twelve feet ; thence northwestwardly by said stable and the garden fence ten rods and twenty links, to a fence at the northwestwardly end of the land to be conveyed. The afore described piece or parcel of land being the same which the said Jedidiah intend-

ed to convey to said Eben. and of which the said Eben. has been in possession ever since the year 1781.—*Provided always,*

That the said deed which the said Enoch Preble is hereby authorized and empowered to make, shall not be made, nor shall the same have any force or effect, until the said Eben. Preble shall have made in due form of law, conveyances by deed, of release and quit claim, with warranty against all persons claiming under him, of all the right, title, interest and estate which he hath, in the lands and tenements, conveyed to him by the deed of said Jedidiah Preble his father, through mistake as aforesaid, which deeds of release and quit-claim shall be made to such persons now claiming or in possession of the last mentioned lands and tenements, as would now have good right and title therein, if the deed of the said Jedidiah first executed as aforesaid, had taken effect according to the intention of the parties.

XXXV.

Resolve on the petition of Jesse Drake, of Union, county of Lincoln.
June 17, 1809.

On the petition of Jesse Drake, of Union, in the county of Lincoln, praying that Mary Gay, of said Union, administratrix on the estate of Josiah Gay, late of said Union, yeoman, deceased, and guardian to Sally Gay, Rachel Gay, Elijah Gay, and Richard Gay, and Melzar Thomas, guardian to Abiel Gay and James Gay, may be authorized and empowered to sell and convey to the said Drake, the right and title of the said minors in the following described piece of land :—

Resolved, That the said Mary Gay and Melzar Thomas, be and they are hereby authorized in their capacity of Guardians to the said minors, to sell and convey to the said Jesse Drake, all the right and title which the said minors have in and to the following described piece of land lying in said Union, bounded as follows, viz.—Beginning at a stake and stones at the road which runs through the lot on which the said Josiah Gay lived; thence north seven degrees east, sixty-two rods to a stake and stones; thence north thirty nine degrees west, six rods and twenty two links to a stake and stones; thence north sixty-one degrees east, twenty one rods and a half to a stake and stones; thence south one degree west sixty nine rods to a stake and stones to the said road; thence by the said road, south

seventy three degrees west twenty four rods, to the bounds first mentioned, containing eight acres and sixty five rods, more or less; and to make, execute, and deliver good and sufficient deeds of the same; *Provided*, the said Drake shall, at the time of said conveyance, pay or secure to the said guardians for the use of the said minors, twenty one dollars for each acre of said land, and in that proportion for a less quantity.

XXXVI.

Resolve on the petition of Lydia Tirrell and others. June 17, 1809.

On the petition of Lydia Tirrell, and others, praying that she as administratrix of the goods and estate of John Tirrell, late of Weymouth, in the county of Norfolk, yeoman, deceased, may be authorized and empowered to convey certain real estate:—

Resolved, for reasons set forth in said petition, That she the said Lydia, administratrix as aforesaid, be and she hereby is authorized and empowered to convey to John Dale, one of said petitioners, by a good and sufficient deed or deeds duly executed, all the real estate which said Dale conveyed to said Tirrell, deceased, upon condition, that said Dale pay to said Lydia within six months from and after the passing of this resolve, the full sum due, for the security of which said estate was conveyed to said Tirrell, deceased, with legal interest thereon, and all reasonable costs, and that the same sum, when paid, be assets in the hands of the said Lydia as administratrix aforesaid, for which she is to account with the Judge of Probate for said county of Norfolk.

XXXVII.

Resolve granting Captain Horatio G. Buttrick forty dollars and forty-three cents, for land purchased for a gun house in Lancaster, and removing the gun house thereon. June 17, 1809.

On the petition of Horatio G. Buttrick, praying compensation for land purchased for the Commonwealth to place a gun house on, in Lancaster, and removing the same:—

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the said Horatio G. Buttrick,

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the sum of forty dollars and forty three cents; and the Governor be authorized to draw a warrant therefor in favour of said Buttrick.

XXXVIII.

Resolve directing the Clerks of the Courts of Sessions to deliver records and files to the Clerks of the Courts of Common Pleas.
June 19, 1809.

Resolved, That the clerks of the several Courts of the General Sessions of the Peace, be and they are hereby directed to deliver to the several clerks of the Courts of Common Pleas, to which the jurisdiction of such Courts of General Sessions of the Peace, is transferred by virtue of an act, entitled, "an act to transfer the powers and duties of the Courts of Sessions to the Courts of Common Pleas, and for other purposes," the records and papers of said Courts.

And be it further Resolved, That the several clerks of the several Courts of Common Pleas be, and they are hereby directed to keep the records of the doings of the several Courts of Common Pleas, in those matters in which the jurisdiction of the Courts of General Sessions of the Peace is transferred, by the act aforesaid, to the Courts of Common Pleas, in separate and distinct books, and the papers shall also be kept in distinct and separate files from the books and files in which the records and papers were kept of such matters as the Courts of Common Pleas had jurisdiction of before the passing of the act aforesaid.

XXXIX.

Resolve on the petition of Benjamin Joy. June 19, 1809.

On the petition of Benjamin Joy, praying that Elisha Sigourney and Judah Hays, executors of the last will and testament of Henry Jackson, deceased, might be authorized and empowered to convey by deed one moiety of a certain piece of land, in pursuance of a memorandum of agreement in writing made by the said Jackson, during his life:—

Resolved, That the said Elisha Sigourney and Judah Hays, executors of the last will and testament of Henry Jackson,

be and they hereby are authorized and empowered to transfer and convey, by a good and sufficient deed, one moiety of a certain piece of land described in the said Joy's petition, in pursuance of the agreement made by the said Jackson in his life time, and in the manner and for the considerations therein mentioned; which said deed, executed in manner aforesaid, shall be good and valid to vest in said Joy the fee of said land, and give him as good a title to the same as if such deed had been executed by said Jackson in his life time.

XL.

Resolve granting Sylvanus Lapham twenty five dollars, for extra services as an assistant to the messenger of the General Court.

June 19, 1809.

Resolved, That there be allowed and paid out of the publick treasury of this Commonwealth, unto Sylvanus Lapham, assistant to the messenger of the General Court, for extra service, twenty five dollars, over and above his usual pay; in full for said service the present session of this Court.

XLI.

Resolve directing the Quarter Master General to furnish certain articles for the Hospital at Rainsford Island. June 19, 1809.

On the representation of the Quarter Master General, that he had received a request from the Board of Health of the town of Boston, for the following articles, for the use of the state Hospital, viz. fifteen linen sheets, twelve pillow cases, one dozen of towels, two dozen of knives and forks, one dozen of stew-pans, six-chairs, three close-stool pans, and two coffee-pots, which by estimation amounts to one hundred and eighty-six dollars:—

Resolved, That the Quarter Master General be authorized and directed to supply the articles above enumerated, for the use of the said hospital; and that for defraying the expense of the same, there be allowed and paid out of the publick treasury, to the said Quarter Master General, a sum not exceeding one hundred and eighty six dollars, he to be accountable for the same. And His Excellency the Governour is hereby requested, with the advice and consent of the Council, to draw his warrant on the treasury for the same.

XLII.

Resolve for paying the Committee on Accounts. June 19, 1809.

Resolved, That there be allowed and paid out of the publick treasury to the committee appointed to examine and pass on accounts, presented against the Commonwealth, for their attendance on that service, during the present session, the sums annexed to their names respectively, in addition to their pay as members of the Legislature:—Hon. Thomas Hale, fifteen days, fifteen dollars; Hon. Nathan Willis, fifteen days, fifteen dollars; Joseph Titcomb, fifteen days, fifteen dollars; Silas Holman, fifteen days, fifteen dollars; which sums shall be in full for their services aforesaid, respectively.

XLIII.

Resolve granting Jacob Kuhn, one thousand dollars, to purchase fuel, &c. June 19, 1809.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to Jacob Kuhn, messenger of the General Court, the sum of one thousand dollars, to enable him to purchase fuel, and such other articles as may be necessary for the use of the General Court, together with the Governor and Council, Secretary's and Treasurer's offices, he to be accountable for the expenditure of the same.

XLIV.

Resolve for paying the Clerks of the General Court. June 19, 1809.

Resolved, That there be paid out of the publick treasury to Nathaniel Coffin, Esq. clerk of the Senate, and to Nicholas Tillinghaſt, Esq. clerk of the House of Representatives, one hundred and fifty dollars each; and also to Samuel F. McCleary, assistant Clerk to the Senate, and to Thomas Wallcott, one hundred dollars each in full for their services in their offices, the present session of the General Court.

XLV.

Resolve granting Azariah Egleston, Esq. four hundred dollars, for his service as paymaster and agent to the First Massachusetts Regiment. June 19, 1809.

On the petition of Azariah Egleston, Esq. stating that he was a paymaster and agent to the first Massachusetts Regiment in the late war between the United States and Great Britian ; and praying for compensation for his services as such paymaster and agent ;

Whereas it appears that the said Azariah Egleston has never received any compensation for the services so rendered by him as aforesaid : Therefore,

Resolved, That the said Azariah Egleston be, and he is hereby allowed the sum of four hundred dollars, to be paid out of the treasury of this Commonwealth, in full for his said services. And his Excellency the Governour, by and with the advice of the Council, is hereby requested to issue his warrant upon the Treasurer for the payment of the sum aforesaid.

XLVI.

Resolve on the petition of John Barker and others. June 19, 1809.

On the petition of John Barker and Aaron Tufts, praying to be compensated for land which has been taken from them to quiet the settlers, and that they may not be called on for the balance which is due on their bond until this matter can be adjusted :—

Resolved, That the Hon. Salem Town, Esq. be and hereby is authorized and empowered to ascertain the quantity and value of the land taken to quiet the settlers mentioned in said petition, and report to the next session of this General Court. And the Treasurer of this Commonwealth is directed to delay to demand the payment of their bond until the next session of this General Court.

XLVII.

Resolve confirming a deed of four hundred acres of land given by the Marshpee Indians for a parsonage. June 19. 1809.

On the representation of the overseers of the Indian Plantation of Marshpee, in the county of Barnstable, stating in behalf of said Indians, that it would be conducive to their interests, that a certain grant and allotment of land therein described, formerly made by said Indians for the support of the Gospel Ministry among them, should be confirmed and rendered valid :—

Resolved, That a certain grant or allotment of land made by Lot Nye, Matthias Amos, Moses Pognit, Isaac Hallday, Joseph Amos and Ebenezer Dives, of the district of Marshpee, in the county of Barnstable, as appears by their deed by them signed, sealed and executed on the seventh day of January, in the year of our Lord one thousand seven hundred and eighty three, and recorded in the registry of deeds in and for the said county of Barnstable, in the fifty-fifth book thereof and one hundred and thirty ninth folio of said book, as attested by Ebenezer Bacon as Register on the back of said deed, said land being four hundred acres more or less, according to said deed, be, and the same hereby is confirmed and rendered valid to all the intents and purposes by them in their said deed expressed, and the said tract of land shall be and remain forever as a parsonage for the use and benefit of a congregational gospel minister, as expressed and declared in their said deed.

XLVIII.

Resolve on the petition of John Coffin Jones, Esq. June 19, 1809.

On the petition of John Coffin Jones, of Boston, in the county of Suffolk, merchant, stating that he is creditor to the estate of James Scobie, late of said Boston, merchant, deceased, intestate, which has been duly represented insolvent by the administrator on said estate ; a commission issued thereon, and the commissioners reported a list of claims by them allowed ; upon which a dividend of forty cents and seven mills on the dollar was ordered to each respective creditor in proportion to his claim allowed ; but by accident and mistake

the said Jones neglected to present his claim for allowance, and the time allowed by law for exhibiting claims has expired. Therefore,

Resolved, That for reasons set forth in said petition the Judge of Probate for the county of Suffolk, be and he hereby is authorized and empowered to grant a new commission on said estate, or to allow such further time to the former commissioners on said estate, not exceeding three months, as he shall judge expedient, to receive and examine the claims of all those who have not already proved their claims against said deceased's estate: and that the said creditors who shall hereafter prove their claims under any commission that may be granted by virtue hereof, shall and may be entitled to receive from the said administrator on said estate, and from the monies that now are in his hands or which hereafter may be collected and received from said estate, on the amount of the claims respectively allowed, a dividend or dividends in respect thereof, so far as the same will extend equal with the other creditors of said deceased, who have already proved their claims under the said commission.

XLIX.

Resolve making a grant for repairs on Nick's-Mate, and appointing Tristram Barnard agent therein. June 19, 1809.

Whereas it has been represented to the Legislature, by the agent for superintending Nick's Mate, in the harbour of Boston, that the monument erected thereon requires being repaired:—

Resolved, That Tristram Barnard, Esq. President of the Boston Marine Society, be and he is hereby appointed agent to cause the necessary repairs to be effected, and that His Excellency the Governour, by and with the consent of the honourable Council, be and he is hereby authorized and requested to issue his warrant on the treasury for such sum, not exceeding eight hundred dollars, as said agent shall apply for, to defray the necessary expenses of said repairs, and that said agent render his accounts to the Governour and Council of his doings herein.

L.

Resolve permitting Jacob Reeves to file an affidavit in the Probate Court of Middlesex. June 19, 1809.

On the petition of Jacob Reeves, administrator on the estate of Ebenezer Staples, late of East Sudbury, deceased, setting forth that he the said Jacob, in his said capacity, was duly empowered by the Justices of the Court of Common Pleas, held at Concord, within and for the county of Middlesex, on the Monday next preceding the second Tuesday of September, in the year of our Lord one thousand eight hundred and seven, to make sale of, and pass deeds, to convey so much of said deceased's real estate as should raise the sum of three hundred and forty two dollars and twenty nine cents ; and that, in pursuance of the authority aforesaid, he the said Jacob, in due form of law, made sale of sufficient of said estate for the purpose aforesaid, and executed a good and sufficient deed thereof to Luther Glezen ; but through misapprehension, omitted to make his affidavit, within the time prescribed by law, to perpetuate the evidence of said sale, and praying that his affidavit relative thereto, may be made good and valid in law, as it would have been, had it been legally made within seven months from the time of said sale :—Therefore,

Resolved, That the prayer of said petition be granted, and that the affidavit of the said Jacob Reeves, taken before the Probate Court within and for the county of Middlesex, and there filed and recorded, shall have the same effect and operation in law, to all intents and purposes, as it would have had, had it been legally made within seven months next following said sale.

LI.

Resolve granting to Jacob Kuhn, messenger of the General Court, three hundred and fifty dollars in addition to his pay. June 19, 1809.

Resolved, That there be allowed and paid out of the publick treasury to Jacob Kuhn, three hundred and fifty dollars for the present year, commencing the thirtieth day of May last, to be in addition to the sum of four hundred dollars allowed him by a resolve of March 26, 1793, establishing the pay of the messenger of the General Court.

LII.

Resolve for paying the Lieutenant Governour, Secretary, and Treasurer. June 19, 1809.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to His Honour the Lieutenant Governour thereof, the sum of five hundred thirty three dollars and thirty three cents, for his salary for one year, from the thirty-first day of May last.

Also, to William Sudor, Esq. Secretary to the Commonwealth, the sum of fifteen hundred dollars, for his salary for one year, from the third day of June current, he to be accountable at the end of the year for all the fees of office he shall have received: And to the Treasurer and Receiver General of this Commonwealth, the sum of two thousand dollars, for his salary for one year, from the third day of June current:— and that all the aforesaid salaries be paid in quarterly payments as they shall become due.

LIII.

Resolve on the petition of Benjamin Skinner, authorizing the partition of certain real estate. June 19, 1809.

On the petition of Benjamin Skinner, praying that the administrators of the late Thompson J. Skinner, deceased, may be authorized and empowered to make partition of certain real estate of said deceased, which at the time of his decease was held by him and the said Benjamin as tenants in common:—

Resolved, for the reasons set forth in said petition, That the hon. Azariah Egleston and Samuel Dana, Esquires, administrators of said deceased, be and they hereby are authorized and empowered to agree with said Benjamin Skinner on a just and reasonable partition of all or any part or parcel of the real estate, whereof the late Thompson J. Skinner, Esq. died feized, situated in the county of Berkshire, and of which the said Benjamin Skinner is now tenant in common; or to agree on indifferent and discreet men to make such partition between the estate of the said deceased and said Benjamin; and to make and execute to the said Benjamin Skinner, such deed or deeds of release or conveyance as shall be proper and necessary to confirm the partition which may be so made as aforesaid;

and in their said capacity of administrators of said deceased, to receive from the said Benjamin a deed or deeds of similar effect, to the use and benefit of said estate. And such partition so made as aforesaid, shall be valid and effectual in law to all intents and purposes whatsoever. *Provided however*, that if it shall be necessary to sell the real estate of said deceased for the payment of debts, the estate which shall be set off to said administrators in the manner above provided, shall be sold and disposed of according to the law in such case made and provided.

LIV.

Resolve on the petition of Adam Hemmenway and Abel Eaton.

June 19, 1809.

On the petition of Adam Hemmenway and Abel Eaton, praying that the treasurer of this Commonwealth be directed to receive in full satisfaction of an execution in favour of said Commonwealth, against one Ebenezer Hemmenway, their promissory note of hand, dated March 8, 1809, made to Josiah Dwight, Esquire, treasurer of said Commonwealth, or his successor in said office, for the sum of five hundred and ten dollars and fifty eight cents, on interest, payable in ninety days from the date of said note; and also praying for an extension of the time for the payment of said note:—

Resolved, for reasons set forth in the said petition, That the treasurer of this Commonwealth be, and he hereby is directed to receive the said note with sufficient surety, in discharge of the execution aforesaid, and that one moiety with the interest due on said note be paid into the treasurer's office within one year from the date of said note, and the other moiety with the remaining interest, be paid as aforesaid, within two years from the date aforesaid.

LV.

Resolve on the petition of Arthur Lithgow, Esq. and grant to.

June 19, 1809.

On the petition of Arthur Lithgow, Esq. late Sheriff of the county of Kennebeck, praying to be compensated for his time and expenses, and for that of his deputies, who were opposed while in the regular discharge of their duty, by bodies of armed men in the disguise of Indians:—

Resolved, for reasons set forth in said petition, That there be allowed and granted unto said Arthur Lithgow, one hundred and sixty three dollars and seventy two cents, in full for his time and expenses, and for that of his deputies, in the service aforesaid. And his Excellency the Governour with the consent of Council, is requested to draw his warrant on the treasury for the same.

LVI.

Resolve authorizing the Quarier Master General to repair the wharf at Hospital Island. June 19, 1809.

On the representation of the Quarter Master General, that the wharf on Hospital Island, is in a decayed state, and stands in need of effectual and speedy repairs to prevent its being totally lost :—

Resolved, That the Quarter Master General be authorized and directed to make such repairs of the said wharf, particularly by casing it with stone, as shall in his opinion be effectual for its preservation ; and that for defraying the expense of such repairs, there be allowed and paid to him out of the publick treasury, a sum not exceeding six hundred dollars, he to be accountable for the same ; and his Excellency the Governour is requested, with the advice and consent of the Council, to draw his warrant for the same.

LVII.

Resolve on the representation of the Boston Board of Health, respecting Rainsford Island, and appointing a Committee to examine the same. June 19, 1809.

Resolved, That Jonathan Hunnewell, William Brewer and Thomas Greenleaf, Esquires, be a committee to examine the state of the property of this Commonwealth in Rainsford Island, and report at the next session of the General Court, what measures, in their opinion, are necessary to prevent the further destruction of the same, and to present an estimate of the probable expense thereof.

RESOLVES, June 20, 1809.

LVIII.

Resolve appropriating three thousand dollars for the State Prison.
June 20, 1809.

Resolved, That his Excellency the Governour, by and with the consent of Council, be, and he is hereby authorized to draw warrants upon the treasurer of this Commonwealth in favour of the superintendent of the State Prison, for such sums and at such periods as he may deem expedient, not exceeding three thousand dollars, to enable said superintendent to perform his contracts, make such improvements and accomodations as are necessary, and defray the expenses of said prison the present year, in addition to what was granted by a resolve of March second, eighteen hundred and nine, said superintendent to be accountable for the same.

LIX.

Resolve authorizing the Secretary and Treasurer to lease the Province House. June 20, 1809.

Resolved, That the secretary and treasurer of this Commonwealth, be authorized to lease the Province House, so called, for one year from the expiration of the existing lease, which will be in July next; and that they be fully empowered to examine, and finally adjust and allow the accounts of Joseph Bradley, for repairs made upon said house, during his occupancy of the same.

LX.

Resolve proposing an amendment of the Constitution of the United States respecting Embargo, and suspension of Commerce. June 20, 1809.

Resolved, That the Senators of this Commonwealth in the Congress of the United States be instructed, and the Representatives thereof requested, to use their best endeavours to cause the following article to be proposed by the two Houses of Congress to the Legislatures of the several states, as an amendment to the Constitution of the United States, that is to say: No law shall be enacted for laying an Embargo, or for prohib-

iting or suspending Commerce, for a longer period than until the expiration of thirty days from the commencement of the session of Congress next succeeding that session in which such law shall have been enacted.

Be it further Resolved, That his Excellency the Governor be requested to transmit to each of the Senators and Representatives from this Commonwealth in Congress, an attested copy of this Resolution.

And be it further Resolved, That His Excellency the Governor be requested to inform the Chief Magistrates of the several states in the Union, of the doings of this Legislature respecting this subject, and request them to communicate the same to the Legislatures of the several States.

ROLL No. 61.....June, 1809.

THE Committee on accounts having examined the several accounts, they now present,

REPORT, That there are due to the Corporations and Persons hereafter mentioned, the sums set to their names respectively, which, when allowed and paid, will be in full discharge of the said accounts to the several dates therein mentioned, which is respectfully submitted.

THOMAS HALE, *Per Order.*

PAUPER ACCOUNTS.

D. C.
Town of Ashfield, for boarding, clothing, nursing and doctoring James Wright, to the time of his death, and funeral charges, 20 53
Abington, for boarding and clothing Thomas Sey- more to 1st June, 1809, 26 00
Adams, for boarding, clothing and doctoring Free- man Blakely, Lydia Daly's two children, Susan- nah Camp and Anna Wallin, to 22d May, 1809, and Benjamin Browning and wife and children, to 8th June, 1809, 128 70
Brookfield, for boarding and clothing Sarah Cook and George Baslington to 1st May, and Thomas Boyd to 1st June, 1809, 72 94
Buckland, for boarding and clothing William Ne- gus to 25th May, 1809, 28 80
Bradford, for boarding, clothing and doctoring John L. Alfasse to 1st June, 1809, 81 65
Barre, for boarding and clothing John C. Dandrich to 2d June, 1809, 22 75
Bristol, for boarding, clothing and doctoring William Howe to 1st June, 1809, 58 50
Bridgewater, for boarding and clothing William Blakely and Frederick Bignor to 14th June, 1809, 47 79
Boxboro', for supporting John Mc Coy to the 24th May, 1809, and doctoring John Canada in his last sickness, 68 43
Boston, for boarding and clothing sundry paupers to 1st June, 1809, 7747 91

Charlton, for boarding Edward Maden to 4th June 1809,	22	00
Cheshire, for boarding and clothing Ephraim Rich- ardson and Clarissa Newcomb and child to 23d May, 1809,	91	86
Carlisle, for boarding, clothing and doctoring Rob- ert Barber to 27th May, 1809,	24	45
Cape Elizabeth, for boarding and clothing James Ramsbottom and Abraham Birks to 27th May, 1809, and George Jehays to the time of his death, including funeral charges,	64	00
Concord, for supporting Thomas White, Noah Farewell, Robert Mc Conville Francis Legrofs, and George Black, poor debtors in gaol, to the 5th June, 1809,	89	79
Douglas, for boarding, and clothing Betty Trifle to 18th May, 1809,	19	8
Dartmouth, for boarding, clothing and doctoring Emanuel Just and John Quanuel to 20th May, 1809,	238	51
Dunstable, for boarding, clothing and doctoring Margaret Lane to 1st June, 1809,	19	54
Dorchester, for boarding, clothing and doctoring Timothy Mars, John Harrison and Lydia Wy- man to 1st June, 1809, and Nancy Homans, to the time of her going out of the Commonwealth,	219	90
Danvers, for boarding and clothing Jane Duckedy, Ruth Parsons, John Brown. William Redde, and Mary Dunkinfield and Richard Neal to 5th June, 1809,	91	96
Deblois, George, keeper of the Alms House in Bos- ton, to 1st June, 1809,	540	29
East Hampton, district of, for boarding and clothing John Hall to the 1st June, 1809,	17	00
Granby, for boarding and clothing Eben. Darwin and John Murry to 30th May, 1809.	50	5
Gill, for boarding, clothing and doctoring Sarah Hambleton to 31st May, 1809,	20	70
Greenwich, for boarding Elizabeth Harrington and child, and John Hayward to 29th May, 1809, and William Rice to 7th April, 1809,	61	31
Granville, for supplies to George Taylor and Arch- ibald Stewart to 1st June, 1809,	32	47
Gorham, for supporting Robert Gilfilling to 29th May, 1809,	25	50

Gorham, John, for doctoring State paupers in the alms house in Boston, to 14th May, 1809,	400 00
Gloucester, for boarding, clothing and doctoring sundry paupers to 10th May, 1809,	1128 15
Hodgkins, Joseph, keeper of the house of correction in Ipswich, for boarding and clothing Mary, a black woman, Aidelade Huldah Hicks, John Squires, and James Calhoun to 6th June, 1809, and allowance made by the Court of Sessions to 4th April, 1809,	380 38
Hopkinton, for supplying James Roach and Sarah Freeman to the time of their death, including funeral charges,	40 40
Hartshorn; Oliver, keeper of the gaol in Boston, for supporting sundry poor debtors confined in said gaol, to 21st May, 1809,	141 00
Hudson, John, keeper of the gaol in Salem, for supporting sundry poor debtors confined in said gaol, to 27th May, 1809,	293 20
Hadley, for boarding, nursing and doctoring Edward Kneeland to 24th May, 1809,	64 22
Hiram, District of, for boarding, clothing and doctoring Daniel Hickey to 21st May, 1809,	40 00
Hingham, for supporting and doctoring George, a black man, to 1st June, 1809,	77, 10
Linconville, for boarding, clothing and doctoring Alexander White to 12th June, 1809,	32 60
Lanesboro' for boarding, clothing and doctoring Dent Harrison and Jerusha Welsh to 1st June, 1809,	132 86
Leyden, for boarding, clothing and doctoring Jedidiah Fuller and family and Elizabeth Waggoner to 19th May, 1809;	68 62
Lenox, for boarding, clothing and doctoring Abram Palmer and child, and Polly Tuttson to 20th May, 1809,	64 28
Leicester, for boarding, clothing and doctoring Lydia Dunham to 1st June, 1809,	54. 00
Middleborough, for boarding, clothing and doctoring William Pike to 10th April, 1809,	61. 28
Montague, for supplies and doctoring Joshua Searle to 17th May, 1809,	53 36
Monmouth, for supporting and doctoring Joseph Richards, his wife and child to 4th April, 1809,	27 24.

Marblehead, for boarding and clothing sundry paupers to the 5th June, 1809,	601 35
Milton, for boarding, clothing, nursing and doctoring Thomas Webster, John, Murrey and Widow Welsh and children to 8th June, 1809,	105 00
Machias, for boarding, clothing and doctoring John Hambleton, William Henry and John Rothwell to the time of leaving the State,	126 13
New Salem, for supporting two children of Olive Bedient to 4th April, 1809,	46 80
Norton, for boarding, clothing and doctoring Joseph Pratt to the time of his death, including funeral charges,	133 75
Northfield, for boarding, clothing and doctoring Richard Kingsbury to 26th May, 1809,	43 81
Nantucket, for supporting James Plato and Elenor Jones to 25th May, 1809,	59 64
Newburyport, for boarding, clothing and doctoring sundry paupers to 1st June, 1809,	1365 65
Newbury, for boarding and clothing sundry paupers to 1st June, 1809,	633 82
Needham, for supporting and doctoring John Rice to the time of his death and funeral charges,	30 70
Northampton, for boarding, clothing and doctoring William Welsh, James Aldrich, John Padley, and Samuel Culver and family to 24th May, 1809,	195 77
Petersham, for supplies to John Howard to the time he removed to Greenwich,	15 25
Portland, for boarding, clothing and doctoring sundry paupers to 1st June, 1809,	1537 62
Prospect, for boarding and clothing Anna Haynes to 30th April, 1809,	40 50
Russell, for supplies to John Newton and wife to 29th May, 1809,	4 94
Richmond for supporting Thomas Waterman to 14th March, 1809,	5 58
Rowe, for boarding and clothing Betsey Carpenter to 2d May, 1809,	26 83
Randolph, for supplies to John Coal to 6th April, 1809,	28 70
Readfield, for boarding, clothing and doctoring Edward Burges to 17th May, 1809,	33 83

Swansea, for boarding and clothing Thomas Connolly to 19th May, 1809,	19	66
Springfield, for boarding, clothing and doctoring William Johnson, Thomas Fornes, and David Kelly to the time of their going away,	29	35
St. George, for boarding and clothing Robert Hawes, Eleanor Matthews and William Benson to 2d June, 1809,	76	50
Sheffield, for boarding, clothing and doctoring William Mc Gee and Guy, a negro man, to 10th April, 1809,	88	19
Salem, for boarding and clothing sundry paupers to 1st June, 1809,	30	35
Sharon, for boarding and clothing Stephen Flood to 1st June, 1809,	80	30
Tisbury, for boarding, clothing and doctoring Joseph Alvarez to 3d Appil, 1809,	44	00
Topsham, for boarding and clothing William Proctor to 2d April, 1809,	28	16
Topsfield, for supporting Thomas Comeford to 8th June, 1809,	57	74
Vassalborough, for boarding and clothing James Lester, to 22d May, 1809, and Abigail Fairbrother to 1st May, 1809,	125	82
Washington, for boarding and clothing Phebe Clerk, to 25th May, 1809,	32	00
Williamstown, for boarding, clothing and doctoring Stephen Blue, Robert Morril, Charles Mc Carthy and Rachel Galusha to 23d May, 1809, and Morris Fowler to the time of his death, and funeral charges,	142	1
Windsor, for boarding and clothing Henry Smith, and wife to 24th May, 1809, and supporting Royal Simmons to the time of his death including funeral charges,	69	29
Western, for boarding and clothing Thomas Boyd to the time he went to Brookfield,	23	50
Westford, for boarding and clothing Phillip Jackson, Christopher Shepherd, and Phylis Gardner's children to 6th June, 1809,	47	40
Warwick, for boarding and clothing and doctoring Samuel Griffeith to 30th May, 1809,	32	15
Worcester, for boarding, clothing and doctoring Pe-		

ter Willard, Henry Bratz, John Melvin and wife, Samuel Whittier, Alexander Welsy and John Sampson to 1st June, 1809,	163 23
Westspringfield, for boarding and clothing William Bell and James Aldrich, to 21st May, 1809,	32 75
Wrentham, for boarding, clothing and doctoring Comfort Lawton, and Elizabeth Taylor and daughter to 10th June, 1809, and David Bliss to the time of leaving this state, and Henry Oneal to the time of his death and funeral charges,	173 87
Wiscasset, for boarding clothing and doctoring Hen- ry Andrews John O Conner, John Brown, Donald Frazier, Joel Guaganos, William Staples and Nicolas Webber to 9th January, 1809, and Mrs. Andrews and Jack Gould, to the time of their death including funeral charges,	424 75
Total Paupers,	22753 8

MILITARY ACCOUNTS.

Brigade Majors and Aid-de-Camps.

Goodwin, Ichabod, to 1st January, 1809,	60 50
Gamwell, Samuel, to 17th February, 1809,	10 70
Russ, John, to 30th May, 1809,	71 00
Tinkham, Seth, to 2d February, 1809,	105 37
Talbot, Peter, to 1st January, 1809,	122 11

Adjutants.

Allen, Elisha, to 19th April, 1809,	39 50
Appleton, James, to 17th May, 1809,	13 99
Blossom, Alden, to 1st January, 1809,	20 55
Burt, Abner, jun. to January, 1809,	38 32
Boyd, William, to 7th June, 1809,	78 50
Bayley, Libbius, to 9th June, 1809,	51 35
Curtis, David B. to 1st January, 1809,	35 75
Dana, Isaac, to 26th February, 1809,	32 27
Fisk Ezra, to 1st May, 1809,	28 50
Field, Seth, to 27th May, 1809,	44 52
Green, William E. to 1st June, 1809,	28 54
Hosmer, Rufus, to 4th June, 1809,	36 75

Jewett, Caleb, to June, 1809,	53	7
K. x. Alanson, to 30th May, 1809,	29	98
Lane, Daniel, to January, 1809,	13	92
Lambert, John, to 13th June, 1809,	53	13
Lothrop, Thomas, to March, 1809,	34	74
Ormesbe, Abraham, to 1st January, 1809,	37	22
Partridge, Samuel, to 28th January, 1809,	11	39
Payson, Ebenezer, to 21st March, 1809,	20	79
Sears, Joseph, to 26th May, 1809,	52	51
Thomas, John B. to June, 1809,	41	29
Ware, Jason, to 25th May, 1809,	26	70
Washburn, Philo H. to 24th May, 1809,	41	89
Ward, William, to 6th January, 1809,	49	29
Weston, Jonathan, to 1st May, 1809,	21	99
Dickinson, Frederick, to 26th April, 1809,	39	77

Expenses for horses to haul Artillery.

Brick, John, to January, 1809,	10	00
Curtis, Samuel, to 22d September, 1808,	7	50
Dillingham, Cornelius, to 13th January, 1809,	6	25
Eaton, Jonas, Jun. to May, 1809,	5	00
Matthers, John, to June, 1809,	10	00
Page, William, to 29th September, 1808,	7	50
Sawyer, George, to 5th October, 1808,	4	50
Thatcher, Ebenezer, to 6th May, 1809,	30	00
Wiggens, Joseph, to 10th May, 1809,	12	50
Wales, Stephen, to 1st June, 1809,	6	25
Total Military,		1445 40

SHERIFF'S AND CORONER'S ACCOUNTS.

Bridge, Edmund, for returning votes for Governor, Lieutenant Governor and Senators to 1st June, 1809,	14	56
Cook, Thomas, Jun. for returning votes for Governor Lieut. Governor and Senators, for members of Congress and order of notice to Benjamin Bassett, to 23d May, 1809,	39	63
Folsom, John W. Coroner, for the expense of taking inquisitions on the dead bodies of three persons, strangers, to 11th April, 1809,	53	29

Lawrence, Jeremiah, Sheriff of Nantucket County, for returning votes for Governor and Senators to 24th May, 1809,	10 80
Learned, Simon, Sheriff of Berkshire County, for returning votes for Governor and Senators, and members of Congress to 1st June 1809,	50 40
Mattoon, Ebenezer, Sheriff of Hampshire County, for returning votes for Governor and Senators and members of Congress to 1st June, 1809,	25 20
Mason, William, Coroner, for expense of taking inquisition on the body of a stranger at Somerset, 22d June, 1808,	17 37
Partridge, George, Sheriff of Plymouth County, for returning votes for member of Congress and Governor, and Senators to 1st June, 1809,	29 90
Smith, Jonathan, Coroner, for expense of taking inquisition on the body of Eli Field, a foreigner, on the 26th October, 1808,	16 60
Ulmer, George, Sheriff of Hancock County, for re- turning votes for Governor and Senators to June, 1809,	18 96
Waite, John, Sheriff of Cumberland County, for returning votes for Governor and Senators to 1st June, 1809,	10 40
Total Sheriff's and Coroner's Accounts,	287 11

PRINTER'S ACCOUNTS.

Benjamin Russell, for supplying the House of Rep- resentatives, with the Columbian Centinel to the 4th March, 1809,	90 56
John Denio, for publishing acts and resolves for the year 1808,	33 33
Isaac Adams, for publishing acts and resolves to 1st January, 1809,	33 33
Peter Edes, for publishing acts and resolves to 1st June, 1809,	16 67
E. W. Allen, for publishing acts and resolves to 1st August, 1808,	16 67
Herman Mann, for publishing acts and resolves to 1st March, 1809.	16 67
J. Park, for supplying Repertorys for the Council chamber to 1st June, 1808,	40 40

Thomas Dickman, for publishing acts and resolves to 1st of January, 1809,	16 67
Pool and Palfry, for publishing acts and resolves to May, 1809,	16 67
Young and Minns, for printing for the Secretary's Adjutant General's and Treasurer's office and General Court to 15th June, 1809,	2561 84
Francis Douglas, for publishing reports and documents on the late Treasurer Skinner's accounts in the Eastern Argus, 29th March, 1809,	12 50
Arthur Shirley, for publishing reports and documents on the late Treasurer Skinner's accounts, 29th March, 1809,	12 50
Adams and Rhodes, for publishing General order for a detachment of Militia, 24th November, 1808, by order of Adjutant General, and for advertizing the penalty for persons taking stones or gravel from Nicks Mate, by order of Secretary of the Commonwealth,	11 50

Total Printers, 2879 31

MISCELLANEOUS ACCOUNTS,

William Durant, for repairing and cleaning of windows in the State House to 7th June, 1809,	44 79
William Gale, messenger to the Governor and Council, in full for a balance due him on his account to 20th May, 1809, after deducting two hundred dollars, granted himself 14th January, 1807,	3 29
Guardians of the Dudley Indians, due them in full to the 24th May, 1809, which sum the Treasurer is directed to charge said Indians with, and to be deducted from the sum due them from the Commonwealth,	122 68
John Howe, for sundry articles furnished for the State House to 27th May, 1809,	44 88
John Davis and Joseph Story, for preparing and superintending the printing of the third volume of the publick acts and making an Index for the three volumes,	150 .00
William Spooner, chairman of the Committee of arrangements, for sundry expenses opening and cleaning the meeting house in Brattle Street, on the day set apart by the Legislature, for humiliation and prayer, February, 1809,	25 25

Henry Blaney, for sundrys work and materials for the State house, and mending the flagging and paving in the yards to 29th May, 1809,	76 75
To the committee appointed by the General Court to sit in the recefs, to consider the subject of the Militia agreeable to an order passed June 1808, viz.	
Hon. Salem Town,	20
Hon. John L Tuttle,	20
Isaac Maltby,	22 50
Charles Davis,	25
	87 50
Charles P Sumner, for his services in preparing and superintending the printing the journals of the House of Representatives of June Session, 1807, and January Session, 1808, by order of the House,	58 00
Jacob Kuhn, for a balance due him on the 16th June 1809, over and above three grants made him by the General Court, viz. one of seven hundred dollars the 10th June, 1808, and one of two hundred dollars in November, 1808, and one of three hundred and fifty dollars the 28th day of January, 1809,	115 92
Sylvanus Lapham, for assisting the messenger of the General Court to 17th June 1809,	40 00
John Perry, for assisting the Messenger of the General Court to 17th June 1809,	36 00
Warren Chase, for assisting the messenger of the General Court to 17th June, 1809,	34 00
Total Miscellaneous,	839 24

Aggregate of Roll No. 61—June, 1809.

Expense of State Paupers,	22,753 8
Do. Military,	1,445 40
Do. Sheriffs and Coroners,	287 11
Do. Printers,	2,879 31
Do. Miscellaneous,	839 24
Total,	28,204 14

Resolved, That there be allowed and paid out of the publick treasury to the several corporations and persons mentioned in this Roll, the sums set against such corporations and person's names respectively, amounting in the whole to the sum

of twenty eight thousand two hundred and four dollars and fourteen cents, the same being in full discharge of the accounts and demands to which they refer.

In Senate, June 19th, 1809,

Read and accepted, and sent down for concurrence,

H. G. OTIS, President.

In the House of Representatives, June 19th, 1809,

Read and concurred,

TIMOTHY BIGELOW, Speaker.

June 19, 1809, Approved,

C. GORE.

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Resolves,

Of the General Court of Massachusetts,

PASSED AT THE SESSION BEGAN AND HOLDEN AT BOSTON,

ON THE TWENTY-FOURTH DAY OF JANUARY,

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED

AND TEN.

GOVERNOUR'S SPEECH.

REPRESENTATIVES' CHAMBER, JAN. 25.

At the hour appointed, His Excellency the Governour came in, accompanied by his Council, the Secretary of the Commonwealth, and other officers of government, and delivered the following

SPEECH:

*GENTLEMEN OF THE SENATE, AND
GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,*

THE first Session of the Legislature is generally and necessarily so short, as to occasion the postponement of much business to the winter, which affords more leisure for patient discussion and just decision.

The various subjects referred to this time, with such others as may be brought forward, will now doubtless receive your candid attention.

Complaints are sometimes apt to arise, that a considerable portion of Legislative labour is devoted to applications of individuals,

hence called private business ; but when these shall appear to be for the purpose of combining the wealth and industry of our citizens, under the sanction of law, to promote objects, which involve the interest of Agriculture, Manufactures and Commerce, and thereby increase the population of the State, the means of industry, and the comforts and conveniences of all, they will be considered as entitled to your mature deliberation ; and your patronage will, undoubtedly, be extended to such, as do not interfere with those principles, which experience has decided to be salutary to the publick weal, nor infringe the unchangeable rules of justice ; a strict observance of which is not less necessary to those who seek to mend their condition, than to those who expect security for their rights.

It is understood that the provisions in the third section of an act for the limitation of certain real actions, and for the equitable settlement of certain claims, arising in real actions, have occasioned the satisfactory termination of many vexatious controversies. It may however deserve the attention of a wise Legislature, to consider the expediency of making those provisions more effectual, by allowing to the settler a further time, for payment of the appraised value, on his giving reasonable security for discharging the same, with the costs of suit, at the discretion of the court in which the suit may be pending ; and that, on giving such security, judgment may be entered for the settler.

Among the subjects of a more general and publick nature, none has higher claim to your serious reflections, than the laws relating to the Militia. To a free people this is, at all times, an interesting concern. In the peculiar and perilous state of our Foreign Relations, it would be the extreme of delusion to consider war improbable. The defenceless condition of our extensive frontiers, and the smallness of our naval force, leave no hope of preventing invasion, or of resisting an enemy, until landed on our soil. In such an event, our immediate reliance must be on the militia of the State. To render this, then, to say the least, our first resource for defence, as efficient as possible, is not merely the dictate of prudence, but the imperious call of a necessity, imposed by circumstances, over which we may have no control.

In the course of the autumn, I attended the review of two Brigades, being all the Brigade reviews of which I had any knowledge ; the first of General WOOD's, of the 11th Division ; and the other of General GOODALE's of the second. The order, regularity, and discipline, exhibited on the occasions, reflected much honour on the Officers and Soldiers, that composed the Brigades.

In the month of September, several persons were committed to prison in the County of Kennebeck, on a charge of Murder. Shortly after their commitment, apprehensions were entertained that a dangerous insurrection would be excited, for the purpose of obstructing the course of justice, by an attempt to rescue the prisoners. The Justices of the Court of Common Pleas, and the sheriff of the county, with a due regard to the trust devolved upon them, from the distance of the Commander in Chief, on the fourth of October, certified to Major General SEWALL, commanding the 8th division of Militia, that it was necessary that a force consisting of three hundred men, should be instantly raised, and called forth, for the suppression of the apprehended insurrection. On which the Major General detached that number of Militia, armed and equipped according to law. Notice of this application, and of the doings of the Major General was immediately transmitted to the Commander in Chief, who issued such orders as were authorized by law, and as the exigency of the case required.

Aware of the necessity of insuring a due administration of the laws, and not insensible to the duty of rendering the service as little burthensome as possible to the publick, and to the individuals, who were subject to be detached, and presuming on the effect of the good dispositions which were manifested by the citizens of that county, to prevent all obstructions to the regular course of justice, and of the promptitude and alacrity of the Militia, in obeying the orders of the Major General, it was thought adviseable to direct a detachment of one hundred and fifty men only, with permission to General SEWALL, if, on consultation with the Magistrates and Sheriff, half that number should be deemed sufficient to be on actual duty, to relieve the men by turns, or in such way as he might judge proper. The

Magistrates and Sheriff having certified to the Major General, that one hundred men would be sufficient for the purposes intended, he permitted all, above that number to return home.

So soon as the necessity for a military force ceased, the troops that had been called forth, were released.

All the papers respecting this transaction will be laid before the Legislature, and it is confidently hoped, that a proper regard to the necessity of rendering the laws supreme, the economy of publick money, and of the time and services of individuals will appear to have guided the conduct of all, who were called to act in this unhappy business.

To the officers and men who were detached, great praise is due, for the promptness with which they obeyed the call of their country; and the order and discipline, which they evinced on duty, manifested a just sense of their obligations as citizens and soldiers.

An account of the expenses incurred on this occasion, will be presented, when it will be for the Legislature to make such provisions for defraying them, as justice requires.

While it is a matter of deep regret, that any of our countrymen should be so abandoned as to make attempts against the free course of justice, on which the rights of all depend, it must afford great satisfaction to reflect that the circumstances attending this transaction were of a nature to deprive such thoughtless men of all hopes of success.

Of the duties which the Representatives of a free people have to perform, none can be more pleasant than that of preserving the lives and health of their fellow-citizens. Experience in the United States, as well as in Europe, seems to have established a fact, that the Kine Pock is a safe, mild, and complete preventive of that loathsome disease, the Small Pox.

The conduct of the town of Milton, in causing the inoculation of many of their inhabitants with the Kine Pock, and in testing its certainty as a preventive of the small pox, appears to have been regulated with too much prudence, wisdom and caution, as to render it worthy of the most publick notoriety.

A recital of their doings, which has been communicated to me, shall be transmitted to the Legislature.

In obedience to a Resolve of the twentieth of June last, proposing an amendment of the Constitution of the United States, respecting Embargo and suspension of commerce, a copy of the same was transmitted to the Chief Magistrates of the several States, in the Union, with a request that the same might be communicated to the Legislatures of such States. The answers which have been received will be sent to the Legislature.

At the last session, we had the happiness of mutual congratulation on the prospect of an amicable adjustment of our national differences, with one of the great belligerents of Europe, and of a revival of our commerce, so essential to the prosperity of this Commonwealth. Subsequent events shew our relation to the powers at war to be in a most critical and alarming state.

Although our commercial and foreign concerns are confided to the government of the Union, yet so deeply involved are we, in every thing that regards them, that the exercise of all constitutional means, either to prevent the calamities that threaten us, or to prepare to meet them, in a becoming manner, is a duty too imperative to be neglected. Having done all in our power, to these ends, we may humbly rely on that Divine Providence, which has so singularly interposed to relieve our country from impending danger, to all human eyes, inevitable and overwhelming. It would be superfluous in me, again to recommend candour and prudence in discussion, always necessary to a wise and happy result. Every one must see that in the present portentous crisis of our affairs, these qualities, with a disinterested elevation above all party spirit, are indispensable to the safety of our dearest rights and best interests.

The principles which I took the liberty of submitting to your notice the last session, and of avowing as the rule of my own conduct, have invariably guided the Executive, in the performance of all its duties ; and while I have the firmest conviction that they are just in themselves, and that a strict adherence to them in all who administer the Government is necessary to preserve the rights of the people, and the constitution under which we act, I can entertain no doubt of their influence on all your deliberations ; and that the result of your labour will advance the prosperity of the citizen, and secure the dignity of the Commonwealth.

CHRISTOPHER GORE.

ANSWER OF THE SENATE.

MAY IT PLEASE YOUR EXCELLENCY,

THE Senate have received the Communication which your Excellency has been pleased to make, at the opening of the Session, with those emotions which the interesting circumstances of our affairs are calculated to inspire.

It is one of the most pleasant duties of Legislators to promote the well directed enterprize and industry of our citizens ; and the Senate will afford all the encouragement to individual application, "*involving the interests of Agriculture, Manufactures and Commerce,*" which can be properly and constitutionally extended.

The suggestion of your Excellency, in respect to the expediency of allowing to settlers further time for the appraised value of lands in controversy, shall have the deliberate considerations of the Senate ; and they will readily adopt any provisions for the relief of that class of our citizens, which, consistently with the rights of the proprietors, shall appear to be just and reasonable.

The measures taken by your Excellency, as Commander in Chief, to prevent a dangerous insurrection, which it was justly apprehended would have taken place in the county of Kennebeck, evince that wisdom, prudence and firmness, that economy of the publick money, that regard to the publick safety and convenience, for which your Excellency is so eminently conspicuous. The Senate unite in opinion with your Excellency, that great praise is due to the officers and men who were detached for that service, and will readily concur in such provision for the payment of the expenses arising on that occasion, as justice shall require.

The various other municipal concerns, to which your Excellency has been pleased to refer, shall receive the respectful attention of the Senate.

The people of this Commonwealth, believing it to be the indispensable duty of the States to contribute to the exigencies of the Union, have been accustomed to consider it as a reciprocal duty of the general government to *provide for the common defence*. And knowing that the United States contain the most ample naval and military resources ; and considering the imminent dangers which threaten, we cannot but express our deepest concern that our extensive frontiers are so defenceless, and our naval force so utterly incompetent to the purposes of national security, and unbecoming the just claims and the dignity of our country. In this alarming situation of our publick affairs, our immediate reliance must be had on the militia of the State, and we assure your Excellency, that "*to render this, to say the least, our first resource for defence as efficient as possible,*" we consider to be "*not merely the dictate of prudence, but the imperious call of a necessity, imposed by circumstances, over which we may have no control.*"

The policy of the United States was PEACE. To preserve this blessing, it became necessary, not only to defend the rights of Neutrality, but to respect the rights of Belligerents. The Federal administration did not originally rest satisfied with the appeals to the reason only, of the great powers at war ; but made adequate provision, and manifested a determination to maintain the rights of their country by the sword. Hence resulted a state of national glory, and of unexampled prosperity.

It would unquestionably be the policy of a neutral nation to submit to the inconveniences *necessarily* incident to collisions between belligerents and neutral rights ; but a neutral possessing the means of resistance, and yet acquiescing in such aggressions of the one party to the war, as would justify measures of retaliation by the other, must be considered as having abandoned or forfeited its neutral position and privileges. The people of this state will support with their accustomed energy and promptitude, the measures necessary to maintain an honest Neutrality :

even if they should involve a just but necessary war ; BUT SUCH A WAR ONLY WILL HAVE THEIR ENCOURAGEMENT.

While we concur with your excellency in opinion "that in the "*perious state of our foreign relations it would be the extreme of delusion to consider war as improbable,*" we are obliged frankly to declare our apprehension that this war will inevitably lead to an alliance, which would be the presage of destruction ; that this war is menaced against a nation, which opposes the only barrier to the necessity of an immediate conflict with the tremendous power and despotism of France, which has already overwhelmed the liberties of the old world.

And when it shall appear that the Administration of the General Government pursue a policy towards the great Belligerent powers, which seems to conceal and palliate the wrongs and the insults of the one, and to magnify the injuries and discolour the views of the other—to submit to the cruel aggressions of the one, committed in contempt and violation both of Treaty and the Publick Law ; and to refuse to accept from the other parts, reparation for unauthorized injury, and proffers of adjustment that might be reasonable and just : The People of this Commonwealth will consider it "*a duty too imperative to be neglected, to exercise all constitutional means, either to prevent impending calamities, or to prepare to meet them in a becoming manner.*"

ANSWER OF THE HOUSE.

MAY IT PLEASE YOUR EXCELLENCY,

THE House of Representatives have considered your Excellency's Speech to the two branches of the Legislature, with all that attention which is demanded by the importance of the subjects it embraces. Although great and interesting publick concerns will always have the first place in their deliberations, they are disposed to devote all the time and attention that may be necessary to the applications of individuals, in cases which require the interposition of the Legislature. Such interposition is often rendered necessary by the imperfection which is natural and inevitable in every general system of Laws. And when the petitions of individuals are warranted by principles of justice, and consistent with the rules of publick policy; when especially their objects tend to advance the interests of Agriculture, Manufactures and Commerce, to increase the means and the products of industry, and promote the comfort and happiness of the citizens, they are not only entitled to patient and mature deliberation, but may justly claim the patronage of the government.

The House of Representatives are happy to learn from your excellency that some good effects have been produced by the late act for the limitation of real actions and for the equitable settlement of certain claims arising therein. Whatever difference of opinion may have existed as to the expediency or necessity of the act referred to, some of its principles have, it is believed, met with general approbation. The House of Representatives will readily concur in such alterations as may be necessary to remedy any defects that exist in this law, or to render its operation more just and equitable.

The due regulation of the militia, at all times an interesting concern to a free people, most peculiarly demands our attention when a foreign war is considered probable, and while other modes of defence are not yet provided. If circumstances beyond our control should disturb the publick tranquillity; a numerous and well disciplined militia will prove at least a temporary defence against danger, from whatever quarter it may come. We are happy to be informed by your Excellency of the good order and discipline of that part of the militia which you have had an opportunity to view; and we shall cheerfully concur in any necessary measures to render this resource for defence still more efficient.

The House of Representatives have heard with deep regret of the attempts lately made in the county of Kennebeck, to obstruct by force the regular course of justice. It affords, however, great pleasure to reflect that this spirit of disaffection was confined to so few individuals; that the citizens of that county in general, and especially the civil and military officers who were called to act on the occasion, manifested so much alacrity in supporting the dignity of the government and maintaining the supremacy of the laws; and that the issue of the transaction was such as to leave no hopes of success, to any future combination of a similar nature. Indeed the nefarious nature of the attempt can be equalled only by the extreme temerity, which could lead a few discontented individuals to expect to prevail by force against the collected strength of the Commonwealth. The rights of all the citizens depend on the submission of all to equal and permanent laws. Civil liberty and the rights of property, consist in the restraint imposed by law on the restless and unprincipled members of the community. Every good citizen is therefore promoting his private interest, as well as performing a publick duty, when assisting to enforce the free and regular administration of justice.

The people of this commonwealth are most deeply concerned in the change which has taken place in our national affairs, since the last session of this legislature. If the United States should be involved in war, it is obvious, that not only the sacrifices and privations occasioned by it, would fall most heavily on the

commercial states ; but also the resources to maintain such a war must be drawn principally from them. But however great might be the exertions and artifices required in a just and necessary war, we confidently trust that the people of this Commonwealth would always cheerfully sustain them ; and forgetting all party distinctions and local interests, would cordially unite to maintain the rights and vindicate the honour of the nation. In such a state of things, the administration will be encouraged and strengthened, by that approbation of their measures, which every patriotick citizen will readily bestow. But when on the other hand, the people are alarmed by the prospect of a war, the justice and necessity of which they do not clearly perceive ; it is their solemn duty as well as right to express these opinions frankly and unequivocally. With these impressions the House of Representatives cannot refrain from declaring their deep anxiety and concern at the late rupture of the negotiation with the minister of one of the belligerent nations. At the termination of even a prosperous war, we shall still have the present differences to be compromised and settled by amicable negotiation ; and it cannot be presumed that after a long and sanguinary conflict, either party will enter on the discussion with feelings more conciliatory than those which now actuate them. When therefore all that can be reasonably expected from successful war, seemed to have been attainable by treaty ; at the moment when the minister referred to was producing full powers from his Government, to settle amicably and permanently all the controversies between the two countries, it is in a high degree distressing to see the negotiation broken off, for causes which we are unable to comprehend.

We are far from imputing to our national rulers any intention or desire to involve us in war ; but the consequences of this rupture may not be under their control, and may lead unhappily to that calamitous issue. The subsequent acts and measures of the Government are not calculated to quiet these apprehensions, nor do they appear to us to promise a restoration of friendly intercourse. Invidious restrictions on the trade of foreign nations, with whom we are commercially connected, naturally tend to produce retaliation on their part ; and every act even of self-defence which they

may adopt, will, in this species of warfare, be considered as a new outrage and be represented as a new course of complaint. Thus although neither party may intend to provoke hostilities, and though there is confessedly no sufficient cause for war at present, yet in such a state of mutual irritation and accumulated collisions, this seems to be the inevitable result. In contemplating this gloomy prospect, it adds greatly to our alarm and apprehension, to consider that such a war would be waged against the nation which forms the only remaining barrier against the universal domination of a single power ; and still more that it would probably entangle us in an alliance with that power, whose friendship has proved fatal to the Independence of so many Republicks and States.

The House of Representatives will readily concur in the exercise of all constitutional means to prevent the calamities which we have so much cause to apprehend; or to prepare to meet them in a becoming manner. In their deliberations on this subject, and on the other important concerns embraced in your Excellency's communication, they will constantly keep in view that candour and prudence, and that disinterested elevation above all party spirit, which your Excellency justly observes are indispensable in this portentous crisis of our affairs, to the safety of our dearest rights and best interests.

RESOLVES.

January 26, 1810.

LXII.

Resolve for releasing John Hastings from prison, in Middlesex.
January 26, 1810.

On the petition of Robert Murdock, of Newton, in the county of Middlesex, guardian of John Hastings, of said Newton, a non compos person, shewing that the said John Hastings, previous to the appointment of said guardian, recognized for one William Donelan, in the sum of one hundred dollars, for his appearance before the Justices of the Court of Common Pleas, for said County of Middlesex, to answer to the Commonwealth on a complaint of Eliakim Morse, for threatening to do him some bodily harm, and in the mean time to keep the peace; but said Donelan did not keep the peace, but afterwards did threaten said Morse, whereby the said recognizance was forfeited—Whereupon a scire facias issued against said Hastings, and at September term, 1809, judgment was given, and on the 24th October, 1809 execution issued against said Hastings, and on the eighteenth of December last, said Hastings was arrested by virtue of said execution and committed to the common gaol in Cambridge, in said county, and now remains in said gaol.

Resolved, That for reasons stated in said petition, the said John Hastings be discharged from the judgment rendered against him on the aforesaid recognizance; and the sheriff of the county of Middlesex, is hereby directed forthwith to release said Hastings from prison. *Provided*, There exists no other cause for his imprisonment, other than the execution which issued on the judgment aforesaid.

LXIII.

Resolve granting Ten thousand and twenty acres of land to the Trustees of Monmouth Academy. January 29, 1810.

On the petition of John Chandler and others, in behalf of the Trustees of Monmouth Academy, praying for a grant of land for the use of said Academy.

Resolved, That there be, and hereby is granted unto the trustees of Monmouth Academy, for the use and benefit of said Academy, Ten thousand and twenty acres of land out of any of the unappropriated lands of this Commonwealth in the District of Maine (except the ten Townships on Penobscot river purchased of the Indians, and excepting also the land contracted to be sold to Jackson and Flint, and which contract is now rescinded.) Said Ten thousand and twenty acres, to be laid out under the direction of the Commonwealth's Agents, upon the subject of eastern lands; *Provided however*, That the Agents aforesaid shall not proceed to lay out and assign the same, unless said trustees shall within two years from the passing of this Resolve, lodge in the Secretary's office, a certified list of the subscriptions and donations which have been made and secured to said Academy, and which shall amount to three thousand dollars, including all sums heretofore subscribed and secured to said Institution under its first corporate name of The Monmouth Free School.

LXIV.

Resolve on the petition of sundry inhabitants of the First Baptist Society in Wells. January 30, 1810.

On the petition of sundry inhabitants, of the first Baptist society in the town of Wells, in the county of York, stating, that the justice of the peace, who, by their act of incorporation was authorized to issue his warrant directed to some member of said society, requiring him to notify and warn the members thereof, to meet for the purpose of choosing such officers as parishes are by law empowered to choose, did on the issuing his said warrant, neglect to put his seal to the same, which has rendered the doings of said society of doubtful validity—and praying that the proceedings of said society may be ratified and established.

Resolved, For reasons set forth in said petition, that the doings of said officers, and the proceedings of said society be ratified and confirmed, and shall be deemed and taken to be legal and valid in all respects, and in the same manner as they would have been, had the said justice duly sealed his said warrant.

LXV.

Resolve on the petition of Jonathan Mann, discharging him of forty dollars thirty-two cents, the amount of an execution issued against him in favour of the Commonwealth. January 30, 1810.

On the petition of Jonathan Mann, of Scituate, in the county of Plymouth, praying this General Court to remit to him the amount of an execution in favour of the Commonwealth, for the sum of forty dollars and thirty-two cents, recovered on his recognizance as surety for the appearance of Jonathan Mann, jun. of said Situate, before the Municipal Court holden in Boston, within the county of Suffolk, on the first Tuesday of November, in the year of our Lord 1808.

Resolved, That the sheriff of the county of Plymouth be, and hereby is, required to discharge said Jonathan Mann from the execution aforesaid.

LXVI.

Resolve on the petition of Josiah Mann, jun. discharging him of an execution for forty dollars thirty-two cents. Jan. 30, 1810.

On the petition of Josiah Mann, jun. of Scituate, praying this General Court to remit to him the amount of an execution in favour of the Commonwealth for the sum of forty dollars and thirty-two cents, recovered on his recognizance for his appearance before the Municipal Court holden in Boston, within the county of Suffolk, on the first Tuesday of November A. D. 1808.

Resolved, That the sheriff of the county of Plymouth be, and hereby is required to discharge said Josiah Mann, jun. from the execution aforesaid.

LXVII.

Resolve appointing Commissioners to examine and settle the accounts of Josiah Dwight, Esq. Treasurer and Receiver General. February 1, 1810.

Resolved, That Mr. Weld, Mr. Head, B. and Mr. Devens, with such as the Hon. Senate shall join, be commissioners to examine, adjust and settle the accounts of Josiah Dwight, Esq. Treasurer and Receiver General of this commonwealth, from the time of his entering on the duties of his office to the 30th day of June last inclusive, and the said commissioners are directed and empowered to deface all notes and due bills, orders or other obligations issued under the authority of this commonwealth, by any officer thereof, which has been redeemed by the Treasurer or his predecessors, and to report their proceedings this present session of the General Court.

LXVIII.

Resolve allowing Jacob Kuhn three hundred and fifty dollars, to purchase fuel, and other necessaries, for the General Court. February 2, 1810.

Resolved, That there be allowed and paid out of the Treasury of this commonwealth, to Jacob Kuhn, Messenger of the General Court, the sum of three hundred and fifty dollars to enable him to pay for fuel and other articles, purchased for the use of the General Court, together with the Governour and Council, Secretary's and Treasurer's offices, he to be accountable for the expenditure of the same.

LXIX.

Resolve on the petition of Thomas Currier and others, for raising a company of Light Infantry. February 2, 1810.

On the petition of Thomas Currier and others, praying for leave to raise a company of Light Infantry, in the towns of Amesbury and Salisbury, in the county of Essex.

Resolved, That his Excellency the Governour, with the advice and consent of the Council, be, and he is hereby authorized to raise by voluntary enlistment, a company of Light Infantry in the towns of Amesbury and Salisbury : *Provided*, the standing Companies in said towns shall not be reduced below the number of sixty four rank and file ; when so raised to be annexed to the fourth regiment, second brigade, second division of the militia of this commonwealth ; and to be subject to such rules, regulations and restrictions, as are or may be provided by law for governing the militia of said commonwealth.

LXX.

Resolve establishing the pay of the Council and Legislature. February 2, 1810.

Resolved, That there be allowed and paid out of the Treasury of this commonwealth, to each member of the Council, Senate and House of Representatives, two dollars, per day, for each day's attendance the present session, and a like sum for every ten miles travel from their respective places of abode to the place of the sitting of the General Court.

And it is further Resolved, That there be paid to the President of the Senate and Speaker of the House of Representatives, two dollars per day for each and every day's attendance, over and above their pay as members.

LXXI.

Resolve authorizing the Governour to appoint commissioners to ascertain the boundary line between this commonwealth and Rhode Island. February 2, 1810.

The Committee of both Houses to whom was committed a letter from his Excellency the Governour of this commonwealth, with a communication from his Excellency the Governour of the State of Rhode Island, accompanied by a resolution of the General Assembly of said State, appointing commissioners on their part to ascertain and settle the north line and boundaries of said State ; with a request that commissioners may be appointed on the part of this Commonwealth with

similar powers—having considered the same, ask leave to report the following resolues.

Resolved, That His Excellency the Governour with the advice and consent of Council, be, and he hereby is authorized and requested, to nominate and appoint three suitable persons as commissioners on the part of this commonwealth, to ascertain the boundary line between said commonwealth and the State of Rhode Island; being the north line and boundaries of said State of Rhode Island—and said commissioners are hereby authorized and empowered to unite with the commissioners already appointed by the General Assembly of the State of Rhode Island, in ascertaining and fully settling the aforesaid line, in such way and manner as shall be mutually agreed on by said commissioners; and in conjunction with them, to ascertain, run and mark such boundary line, through the extent aforesaid; and at the joint and equal expense of this commonwealth and said State of Rhode Island, to erect durable monuments at such places in said line, as they may judge proper and effectual to prevent future mistakes and disputes respecting the same; which line when so ascertained, shall forever afterwards, be considered, and held to be the true and just boundary line of jurisdiction between this commonwealth and the aforesaid state; and said commissioners on the part of this commonwealth, are hereby authorized and empowered to agree with the commissioners on the part of the State of Rhode Island, upon such principles, respecting the ascertaining and running said line, as from the best evidence they can obtain, may appear just and reasonable; and also employ such surveyors and chain-bearers, as they may think proper, to assist in duly ascertaining the line aforesaid.

Be it further Resolved, That there be paid out of the Treasury of this Commonwealth, to said commissioners, five hundred dollars, to enable them to defray the immediate expences of running and establishing said line; said commissioners to be accountable to the General Court for the proper application of the same; and His Excellency the Governour is hereby requested to draw his warrant on the treasurer for the same.

Be it further Resolved, That that part of a Resolve which passed the fifteenth day of June one thousand eight hundred and one, granting five hundred dollars, to the commissioners appointed to ascertain, run, and settle the line between this commonwealth and the State of Rhode Island

(the same not having been expended) be, and the same is hereby repealed.

LXXII.

Resolve directing the Attorney and Solicitor General, to prosecute all violations of the act for the suppression of Lotteries. Feb. ruary 3, 1810.

The committee of both Houses appointed to examine and report what privileges exist under any act heretofore passed by the Legislature of this Commonwealth, for any lotteries or classes of lotteries—report the following state of facts.

An act authorizing a lottery for the purpose of completing Hatfield bridge, passed June 19, 1806, limited to two years. The time was extended afterwards for two years more, and expires June 10, 1810.

Leave was granted to sell tickets in Dixville lottery (state of New-Hampshire,) June 30, 1808, and expires June 18, 1810. all other acts for lotteries have expired.—The committee have also taken into consideration what further provisions may be expedient to prevent the sale of tickets in lotteries instituted without the state—

Report, That the provisions of an act passed February 28, 1801, appear to them sufficient, if carried into effect, and recommend passing a resolve, directing the Solicitor and Attorney General to prosecute all offences against said law, which they herewith report.

Which is submitted.

JOHN WELLES, per. order.

Resolved, That the Attorney and Solicitor General be, and they are hereby specially directed to prosecute in due course of law, for all offences and penalties which have or may accrue by virtue of the act of this commonwealth, for the suppression of lotteries, and to prevent the sale of lottery tickets, made and passed February twenty eighth, in the year of our Lord one thousand eight hundred and one.

Be it further resolved, That this resolve together with the original law, be published in all the newspapers in which the laws of this Commonwealth are published.

LXXIII.

Resolve on the petition of Ebenezer Brown, a soldier. February 3, 1810.

On the petition of Ebenezer Brown, a soldier in the second Massachusetts regiment, who served during the late American war with Great Britain, praying that he may be included in a resolve passed March the 5th, 1801, granting two hundred acres of land, or twenty dollars in money, to each non-commissioned officer and soldier of the Massachusetts line.

Resolved, For reasons set forth in said petition, that there be allowed and paid out of the treasury of this Commonwealth to the said Ebenezer Brown the sum of twenty dollars, and his Excellency the Governour with the advice of council is requested to grant a warrant accordingly.

LXXIV.

Resolve for discharging John R. Goulding from prison in Worcester County. February 3, 1810.

On the petition of John R. Goulding, stating that he is a prisoner in gaol in the county of Worcester, on an execution in favour of the Commonwealth, on judgment against him as surety in a recognizance for the appearance of Joel Wesson, and that the principal had paid his forfeiture to the Commonwealth.

Resolved, For reasons set forth in said petition that the said John R. Goulding be discharged, and the sheriff of said county of Worcester is directed to discharge the said John R. Goulding from his imprisonment in said gaol, so far only, as he stands committed by virtue of said execution in favour of the Commonwealth, on condition of his paying the cost of court and commitment.

LXXV.

Resolve on the petition of Samuel Smith. February 3, 1810.

On the petition of Samuel Smith, praying for further relief that either of the executors or the legal representatives of

Henry Jackson might be authorized to transfer and convey to said Smith, one share in the Boston theatre, in conformity to a memorandum of agreement in writing, made by the said Jackson in his life time.

Resolved, That Lisha Sigourney and Judah Hayes, executors of the last will and testament of Henry Jackson, or either of them, and in case of their death, or resignation of said trust, then either of the administrators de bonis non of the estate and effects of said Jackson, be, and hereby are authorized and empowered to transfer and convey to the said Samuel Smith by a good and sufficient deed, one share in the Boston theatre, in conformity to the said agreement—which said deed so executed, shall be good and valid to vest in the said Smith the share aforesaid, and all emoluments thereon, in as full a manner as if a deed thereof had been executed by said Jackson in his life time.

LXXVI.

Resolve on the petition of James Newbury, granting him forty-eight dollars and a pension. February 3, 1810.

On the petition of James Newbury, of York, a private soldier in the sixth division of the militia of this Commonwealth, praying for compensation for a wound he received, while on military duty, on the twentieth day of September, 1809, in said York.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the said James Newbury, in consequence of his having lost a part of his left hand while performing military duty, on the said twentieth day of September, 1809, the sum of forty eight dollars, to reimburse to him the several sums paid the doctors—likewise an annuity or pension of thirty dollars per year, during his natural life, or till the further order of the Legislature.

LXXVII.

Resolve on the petition of Thomas Walcutt—granting him fifty one dollars. February 3, 1810.

Resolved, That fifty one dollars be granted and paid out of the publick treasury to Thomas Wallcut, in full for writing

done by him, in the recess of the Legislature, according to his account herewith exhibited.

LXXVIII.

Resolve on the petition of Thaddeus Thompson, and granting him forty six dollars. February 7, 1810.

On the petition of Thaddeus Thompson, praying for the allowance of his expenses in defending a suit against a claim upon a confiscated estate, which had been guaranteed to him by the Commonwealth;

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to Thaddeus Thompson, forty six dollars, in full for his expenses in defending a suit brought against a certain confiscated estate in Lenox, in the County of Berkshire, by the Widow of Elizur Dickenson; and his Excellency the Governor, by and with advice of council, is hereby authorized to draw his warrant upon the treasury accordingly.

LXXIX.

Resolve on the petition of Joseph Nurse, granting him three thousand three hundred and seventy three dollars and ninety four cents. February 7, 1810.

On the petition of Joseph Nurse, praying for an indemnity against a judgment, in an action of ejectment recovered against him, at the Circuit Court of the United States, for the first circuit, held at Boston, on the twentieth day of October last, by Daniel Murray, administrator, with the Will annexed, of John Murray, which judgment was founded on a mortgage of certain lands in Shrewsbury, made by Martha Symmes, to John Murray on the twenty fifth day of March, one thousand seven hundred and seventy three, the said Martha Symmes, having, on the twenty fifth day of May, one thousand seven hundred and eighty one, paid to the Committee appointed by this Commonwealth, all the money due on said mortgage, and taken their full discharge therefor according to the law, in that case made and provided, and the said Joseph Nurse now claiming said lands by legal conveyance from and under the said Martha Symmes;

Resolved, for reasons set forth in said petition, That there be allowed and paid out of the treasury of this Commonwealth, to the said Joseph Nurse, the sum of Three thousand three hundred and seventy three dollars and ninety four cents, in full indemnity and compensation for the said judgment, and of his expenses, in defending himself against the said suit, and of all claims on this Commonwealth, by reason of the premises.

LXXX.

Resolve on the petition of William Whittemore, Jun. Administrator of the estate of Francis Cutler, deceased. February 7, 1810.

On the petition of William Whittemore, Jun. of West Cambridge, in the county of Middlesex, administrator of the estate of Francis Cutler, late of that part of Cambridge, now said West Cambridge, labourer, deceased, intestate, praying that his affidavit of his proceedings relating to the sale of all the right and interest, which said intestate had in and to the reversion of the dower of Susanna Cutler, the widow of Samuel Cutler, late of Charlestown in said county, deceased, made, in the Probate Court for said County, on the sixteenth day of November last past, and recorded with one of the original notifications of said sale in the Registry of Probate in said County, may be valid in law, although not made within seven months after the day of said sale, as the law requires.

Resolved, That the prayer of the petition be granted, and that the said affidavit and copy of one of said original notifications, recorded as above mentioned, shall be valid, and have the same force and effect in law, as if the same had been done within seven months after the day of sale, any law, usage, or custom to the contrary notwithstanding.

LXXXI.

Resolve on the Petition of William Whittemore, Jun. Administrator of the estate of Thomas Whittemore, deceased. February 7, 1810.

On the petition of William Whittemore, Jun. of West Cambridge, in the county of Middlesex, administrator of the estate of Thomas Whittemore, late of that part of Cambridge, now said West Cambridge, yeoman, deceased, intestate, praying that

his affidavit of his proceedings relating to the sale of the whole of said intestate's real estate, except the dower of said deceased's widow in part of said real estate, made in the Probate Court for said county, on the fifteenth day of November last past, and recorded with a copy of one of the original notifications of said sale in the Registry of Probate in said county, may be valid in law, although not made within seven months after the day of said sale, as the law requires.

Resolved, That the prayer of the petition be granted, and that said affidavit and copy of one of said original notifications, recorded as above mentioned, shall be valid, and have the same force and effect in law as if the same had been done within seven months after the day of said sale, any law, usage or custom to the contrary notwithstanding.

LXXXII.

Resolve on the petition of John Wood, administrator on the estate of Jonathan Trask, deceased. February 7, 1810.

On the petition of John Wood, of Burlington, in the county of Middlesex, gentleman, administrator on the estate of Jonathan Trask, late of Lexington, in said county, yeoman, deceased, intestate, praying that his affidavit of his proceedings relating to the sale of the two thirds of said Trask's real estate which were not set to the widow of said deceased for her dower, made in the Court of Probate for said county, on the twelfth day of January now last past, and recorded with a copy of one of the original advertisements in the Registry of Probate, for said county, may be valid in law, although not made within seven months after the day of sale, as the law requires.

Resolved, That the prayer of the petition be granted, and that the Registry of the affidavit and copy of the original advertisement shall be valid, and have the same force and effect in law, as if the same had been done within seven months after the day of said sale, any law, usage, or custom to the contrary notwithstanding.

LXXXIII.

Resolve on the petition of Ebenezer Harnden, administrator of the estate of Thomas Hills, deceased. February 7, 1810.

On the petition of Ebenezer Harnden, of Malden, in the county of Middlesex, administrator of the estate of Thomas Hills, late of said Malden, yeoman, deceased, intestate, praying that he, the said Ebenezer, may have seven months from the above date, granted to him, in his said capacity, to make in the Probate Court for said county, his affidavit of his proceedings relating to the several sales of divers parcels of the real estate of said intestate, by him, in his said capacity, made at publick auction, and that said affidavit, including copies of the original notifications of said sales, if made, in said Probate Court, and recorded in the Registry of probate for said county, in due form, within said seven months, shall have the same effect and operation in law as his several affidavits of said sales, including copies of said notifications, would have had, had they been made in said Probate Court within seven months, as the law provides.

Resolved, That the prayer of the petition be granted, and that said affidavit, including copies of said notifications, if made in said Probate court, and recorded in said Registry, within seven months from the above date, shall be valid, and have the same effect and operation in law, as said administrator's several affidavits of said sales, including copies of said notifications, would have had, had they been made in said Probate Court, within seven months, as the law provides, any law, usage, or custom to the contrary notwithstanding.

LXXXIV.

Resolve on the petition of Simon Lord, of Belgrade, granting him fifty-five dollars. February 8, 1810.

Whereas Simon Lord, of Belgrade, in the county of Kennebeck, and constable of said town, while in the execution of the duties of his office, on the sixteenth day of August, 1808, had his horse killed by some person or persons, to him unknown, disguised as Indians, and the said Lord having petitioned this court for relief,

Therefore Resolved, That there be allowed and paid out of the treasury of this Commonwealth to the said Lord, the sum of fifty five dollars ; and the Governour with the advice of council, is hereby authorized and empowered to draw his warrant in favour of said Lord on the treasurer for said sum.

LXXXV.

Resolve on the petition of Benjamin Swett, discharging him from the sum of ninety-nine dollars. February 9, 1810.

On the petition of Benjamin Swett, collector of the town of Orrington, for the year 1808, stating the loss of ninety-nine dollars in the wreck of a vessel in which it was sent by capt. Rich, to be paid into the treasury of this Commonwealth, being so much of the state tax, committed him to collect—praying relief.

Resolved, for reasons set forth in said petition, That the treasurer of this Commonwealth be, and he is hereby directed to discharge the said Benjamin Swett, the said sum of ninety-nine dollars.

LXXXVI.

Resolve granting the Massachusetts Medical Society a Township of Land. February 10, 1810.

Whereas the Massachusetts Medical Society have incurred expences, and have devoted a considerable portion of their time, to the promotion of the laudable objects of their institution, and have petitioned this Legislature for some pecuniary aid, to enable them to erect a suitable building in the town of Bolton, for the use of said society—Wherefore,

Be it Resolved, that there be, and there hereby is appropriated for the use and benefit of the Massachusetts Medical Society, one township of land, to contain six miles square, and to be surveyed, located and assigned from any of the unappropriated lands belonging to this Commonwealth in the district of Maine, (excepting the townships lately purchased of the Indians, and lands contracted for by Jackson and Flint,) under the direction of the agents for the sale of eastern lands, at the expence of the said society : *Provided,* said location be made within

three years, a plan whereof to be lodged in the land office ; and the agents aforesaid, are hereby authorized and directed to give good and sufficient deed or deeds of the same to the trustees of said society, or their assigns, subject to the usual reservations and conditions of settlement.

LXXXVII.

Resolve appointing a Committee to enquire into the doings of the Northampton Bank. February 10, 1810.

Resolved, That the Hon. George Blis, Esq. Josiah Dwight, and Joseph Lyman, Esquires, be a committee to enquire into, and report to this Legislature as soon as may be, respecting the doings of the Northampton Bank, and the present state thereof—that said committee be instructed to enquire whether the said corporation have exceeded the powers granted them, or failed to comply with any of the rules, restrictions and conditions required by their act of incorporation. That they, or any two of them, have power to examine the books and vaults of the said corporation, and to send for such persons and papers as they shall deem necessary to effect the object of their appointment.

LXXXVIII.

Resolve appointing a Committee, to enquire into the doings of the Berkshire Bank. February 10, 1810.

Resolved, That Josiah Dwight, John C. Williams, and Thomas Allen, Esqs. be a committee to enquire into, and report to this Legislature as soon as may be, respecting the doings of the Berkshire Bank, and the present state thereof ; that said committee be instructed to enquire, whether the said corporation have exceeded the powers granted them, or failed to comply with the rules, restrictions, and conditions, required by their act of incorporation ; that they, or any two of them, have power to examine the books and vaults of the the said corporation, and to send for such persons and papers as they shall deem necessary to effect the object of their appointment.

RESOLVES, Feb. 10, 1810.

LXXXIX.

Resolve appointing a Committee to enquire into the doings of the Penobscot Bank. February 10, 1810.

Resolved, That Nathan Reed, Phineas Ashman, and John Davis, Esqs. be a committee to enquire into the doings of the Penobscot Bank, and report the state thereof on the second Wednesday of the first session of the next General Court; that said committee be instructed to enquire whether the corporation have exceeded the powers granted them, or failed to comply with the rules, restrictions and conditions, required by their act of incorporation—That they, or any two of them, have power to examine the books and vaults of the said corporation, and to send for such persons and papers as they shall deem necessary to effect the object of their appointment.

XC.

Resolve on the petition of Edward Bangs and others. February 10, 1810.

On the petition of Edward Bangs, and others,

Resolved, That the guardian to the minor heirs of such of the devisees in the will of Benjamin Bangs, as are deceased, be, and they are and shall be fully authorized and empowered in behalf of their wards respectively, to join with the living devisees and heirs of age of devisees deceased, in making sale and conveyance of the real estate of the said Benjamin Bangs, deceased, or in appointing an agent or agents, with power to sell and convey the same; that the value and proceeds thereof may be divided instead of the lands—Or to join with the said devisees and heirs of devisees in any amicable and equitable division of said real estate, making proper allowance for what each devisee has received already in personal estate, so that each devisee's share may be less or more in real estate, in proportion as it may appear that they have received less or more of the personal estate, according to the spirit and meaning of said will, as well as in adjusting all claims, or allowances to be made by any of said devisees, for use of monies received, or benefit, use and occupation of any of said personal or real estate; and to make deeds of release and acquittance accord-

ingly : *Provided*, That the respective guardians of the minors aforesaid, shall first give bonds to the respective Judges of Probate who granted their respective letters of guardianship, conditioned that they shall faithfully execute the trust hereby by reposed in them, and shall also account to their respective wards for all monies, or other estate, they shall receive for them by sale of said lands, or in any other way by virtue of the powers given them by this resolve, and also for the interest or profits thereof, after deducting such sums for their expences and services as to said Judges respectively, shall appear just and reasonable, whenever said minors shall arrive to the age of twenty one years, or sooner if cited by said Judge or Judges of Probate.

XCI.

Resolve on the petition of Jacob Stevens. February 12, 1810.

On the petition of Jacob Stevens, praying Anna Stevens, administratrix on the estate of Ezra Stevens, may be authorized to make and execute, to him the said Jacob, a deed of certain land therein described.

Resolved, That Anna Stevens, widow, and administratrix of Ezra Stevens, late of Machias, in the county of Washington, yeoman, deceased, and also guardian of all the children of the said deceased, be, and she hereby is empowered, in pursuance of an agreement, made between the petitioner and the deceased, to make and execute, in her said capacity, to the said Jacob Stevens, his heirs and assigns, a good and lawful deed of conveyance, of the northerly half, of a certain tract of land, lying in said Machias, and bounded as follows, viz. westerly by the waters of East River, northerly by land of William Simpson, easterly and southerly, by lands late of the estate of Junes Gooch, deceased, and containing one hundred and twenty five acres, in the whole, including a small Island of four acres, lying in front of the same, one half of which is also to be conveyed, as described in the petition ; for which half, in pursuance of said agreement, the said Jacob, has paid the said Ezra, and now occupies, and lives on the same : and such conveyance, when made, shall have all the force and effect, any deed to have been made, by the said Ezra, of the premises would have had, to vest said estate, in the said Jacob, his heirs or assigns.

RESOLVES, Feb. 12, 1810.

XCII.

Resolve extending the time prescribed for surveying and locating half a township of land, granted for Monson Academy February 12, 1810

On the petition of Abner Brown and Joel Norcross, in behalf of the trustees of the Monson Academy praying that the time limited, in and by a resolve passed January 31st 1807, granting them a half township of land, of three years for surveying, locating and returning a plan, be extended.

Resolved, For reasons set forth in said petition, that the term of three years mentioned in the proviso of said resolve, be and hereby is continued and extended for the further term of three years, from and after the thirty first day of January last past.

XCIII.

Resolve granting forty dollars to Owen Clark. February 15, 1810.

Resolved, That forty dollars be granted and paid out of the publick treasury, to Owen Clark, in full compensation, for his time, service, and expences, in apprehending Elijah Barton, and others, suspected of the murder of Paul Chadwick; and his Excellency the Governor is requested to draw a warrant on the Treasurer for the payment thereof.

XCIV.

Resolve authorizing William Makepeace to remove a Gun House. February 16, 1810.

On the Petition of William Makepeace, Captain of a company of artillery, in the second brigade and first division of the militia of this Commonwealth, praying that the place of Parade and GunHouse of said Company be altered from Medway to the Common in Franklin, near the meeting house.

Resolved, That the place of Parade and gun house of said Company be altered and removed from said Medway to said

Common in Franklin, and that the said William Makepeace (at his own expense) be, and he hereby is authorized and empowered to remove said gun house accordingly.

XCV.

Resolve requesting the Senators and Representatives from this State in Congress to apply to Congress for an alteration in the Post Office Law, and directing the Secretary to pay the Post Masters' bills quarterly. February 16, 1810.

Whereas in order to carry into effect with promptness the Laws and regulations for governing the militia, it is found necessary that communications should be constantly passing through the post office between the Adjutant General's office at Boston, and the Commanding officers of corps in every part of the commonwealth, and it appearing from the representation of the Post Master at Boston, that by the existing Laws regulating the Post Office Department, all such papers must be charged as Letters, which is a very great expence to the commonwealth. Therefore,

Resolved, That the Senators and Representatives in Congress from this State, be requested to make application to the Congress of the United States for an alteration in the Post Office Law, so as to allow all printed papers, and papers partly printed, and partly written, relating to the militia, to pass through the Post Office to and from the Adjutant General's office, subject only to the same postage by the sheet as newspapers.

Resolved, That the Secretary be and he hereby is directed to pay the account of the Post Master in Boston, for the postage of letters for the Commonwealth quarterly. And His Excellency the Governour, with the advice of Council, is hereby authorized and empowered to draw his warrant on the treasurer in favour of the secretary for the payment of said accounts.

XCVI.

Resolve establishing the pay of the Officers and Soldiers who were called out and served in the apprehended insurrection in the county of Kennebeck. February 16, 1810.

The committee of both houses, to whom was referred His Excellency the Governor's communication relative to the apprehended insurrection in the county of Kennebeck, in the months of October and November last, with all the papers and documents accompanying the same.

Report, That there be allowed and paid to the Officers and Soldiers who were called out on that occasion, the several sums following, viz. to a Major, fifty dollars per month as wages, and one dollar and sixty cents per day for rations; to a Captain, forty dollars per month as wages, and for two extra rations sixty cents per day; to a Lieutenant, thirty six dollars per month as wages, and for one extra ration thirty cents per day; to an Ensign, thirty two dollars per month as wages, and for one extra ration thirty cents per day; to a Sergeant seventy five cents per day as wages; to Corporals, Drummers, and Fifers, seventy cents per day as wages; to Privates sixty seven cents per day as wages; to a Captain of artillery, forty two dollars per month as wages, and sixty cents per day for two extra rations; to a Lieutenant of Artillery, thirty eight dollars per month as wages and thirty cents per day for one extra ration; to a Serjeant of artillery, seventy eight cents per day as wages; to a Corporal of artillery, seventy-four cents per day as wages; to Drummers, Fifers and Mattrofes, seventy cents per day as wages. The Committee find that it will be necessary for the Legislature to establish the pay for the several grades of officers and soldiers who were called upon to perform Services in this apprehended insurrection, before they can complete the business of their appointment. They find that the pay rolls for the several companies who were called out, are made and completed in an accurate manner, except entering the sums allowed per day and carrying out the sum total to each officer and soldier's name, which can be done with ease and precision when the sum to be allowed per month and per day, shall have been established. Your Committee have endeavoured to investigate this subject with care and caution, and are of opinion, that the several sums reported to be allowed to the several grades of officers and soldiers who performed the service will not be

too much to compensate them for the sacrifices made at the particular time they were called upon, and the nature of services performed.

Which is respectfully submitted

HUGH MC.CALLEN, per order.

Resolved, That each Officer and Soldier of the militia of this Commonwealth, who were called out and served in the apprehended insurrection in the county of Kennebeck, in the months of Oct. and Nov. 1809, be allowed and paid for their wages and rations, the sums affixed and specified in the foregoing report, and that the said committee be and hereby are directed to have the pay rolls for the several Companies who served as aforesaid made up and completed accordingly.

XCVII.

Resolve on the petition of Mary Child, in behalf of herself, children and others. February 19, 1810.

On the petition of Mary Child, in behalf of herself, and the children of her late husband, Thomas Child, deceased, and William Stephens and James Barrett, praying that this Commonwealth would defend and indemnify her and them, against certain suits, brought against them, and now pending in the Court of Common Pleas, for the county of Cumberland, by Alexander Wolcot and his wife, to recover possession of certain lots of land, in Portland, in the county aforesaid, and which were conveyed by this Commonwealth, to the husband of said Mary, with warranty.

Resolved, That the Solicitor General be, and he is hereby authorized and requested to appear in said suits, on behalf of this Commonwealth, to examine into the title of the said Wolcot and his wife, whereon he finds his claim to the possession of said lots of lands and to defend against the said title and claims, if the Solicitor General shall think it expedient, and not otherwise.

And be it further resolved, That the said Solicitor General be, and he is hereby authorized to substitute any other person or persons, to do, and perform all or any of the foregoing matters and things in his stead, as he may find it necessary or convenient: and that his Excellency the Governour, with

the advice and consent of the Council, be, and he is hereby requested to draw a warrant on the treasury of the Commonwealth, in favor of said Solicitor General, for such sum of money, as the said Solicitor General may request, not exceeding one hundred dollars, to enable him to defray the necessary expence of said suits, he to be accountable for the expenditure of the same.

XCVIII.

Resolve on the petition of Samuel Parkman, allowing further time to settle half a township of land. February 19, 1810.

On the petition of Samuel Parkman, praying for further time to settle half a township of land, situated in the county of Washington, formerly grant to Portland Academy, February 19, 1810.

Resolved, for reasons set forth in said petition, That the further time of four years from the first of June next be allowed to Samuel Parkman, his heirs and assigns, to complete the settlement of ten families on said half township. And if said Parkman, his heirs or assigns, shall settle within said time the said number of families, including those already settled on the same, that then the estate, right, and title of said Parkman, his heirs and assigns, shall be valid, full and effectual to all intents and purposes, as if the conditions of settlement expressed in the original deed given of said half township, by the committee of the General Court to sell and convey the unappropriated lands in the district of Maine, had been fully and seasonably complied with: *Provided nevertheless*, That the said Samuel Parkman shall, on or before the first day of June next, give bonds to the treasurer of this Commonwealth, with sufficient sureties, to the satisfaction of the agents for the sale of eastern lands, conditioned that the number of families required in the original deed to be settled on said lands shall, within the term of four years from the first of June next, be settled on said half township of land, or for the payment of thirty dollars for each family which shall then be deficient.

XCIX.

Resolve rendering valid the doings of the town of Limington. February 19, 1810.

On the petition of the inhabitants of the town of Limington, in the county of York, stating that the selectmen of said town, neglected notifying the inhabitants to assemble at town meetings in manner as the law directs, and doubts have arisen, whether the doings of said town, at their several town meetings are legal, and praying that their several town meetings held in said town, since the date of their incorporation act may be rendered valid, the aforesaid neglect of the selectmen notwithstanding. Therefore,

Resolved, That the several town meetings held in said town of Limington, as aforesaid, be, and they are hereby rendered good and valid, as though the selectmen had notified the several town meetings in way and manner as the law directs, and all proceedings had at the several town meetings aforesaid, be, and they are hereby fully ratified and confirmed, as though the same meetings had been notified according to law : *Provided however*, That this shall not effect any case now pending before any Judicial Court.

C.

Resolve on the petition of Mary and Joseph Johnson. February 20, 1810.

On the petition of Mary Johnson and Joseph Johnson.

Resolved, That the said Mary Johnson, administratrix, on the estate of her late husband, Squire Johnson, be, and she is hereby empowered to give and execute a good and lawful deed, to him the said Joseph Johnson, of one moiety of the land mentioned in the said petition, according to the prayer thereof.

CI.

Resolve granting eighty dollars thirty-four cents, to Elizabeth Churchill, for so much due to Joshua Totman, her former husband, who was a serjeant in the second Massachusetts regiment. February 20, 1810.

On the petition of Elizabeth Churchill, widow of Joshua Totman, late a Quarter-master-serjeant in the second Massachusetts regiment, commanded by Col. John Bailey, in the late revolutionary war.

Resolved, That eighty dollars and thirty-four cents be granted and paid out of the publick treasury, to the said Elizabeth Churchill, in full compensation for the services of her late husband, Joshua Totman, as Quarter-master-serjeant in the said second regiment, being a balance, due to the said Totman, on a settlement of the army accounts; and his Excellency the Governour, with the advice of the council, is requested to issue a warrant on the treasury, for the payment of the said sum accordingly.

CII.

Resolve on the petition of Jane Sketup, an Indian woman. February 22, 1810.

On the petition of Jane Sketup, an Indian woman,

Resolved, for the reasons set forth in the said petition, That Ezekiel Luce, Esq. of Tisbury in the county of Dukes county, be, and he is hereby authorized, after due notice, to sell at publick auction, and to convey the real estate of the said Jane, an Indian woman, the said Luce giving bonds to the Judge of Probate, for the said county, conformably to a law, entitled, "An Act directing the settlement of the estates of persons deceased, and for the conveyance of real estate in certain cases."

CIII.

Resolve on the petition of Ebenezer Clifford and Samuel Palmer, authorizing the Quarter-master-general to purchase cannon of them. February 22, 1810.

On the petition of Ebenezer Clifford and Samuel Palmer.

Resolved, That the Quarter-master-general, be, and he is hereby directed, to purchase of the said Clifford and Palmer, thirty-six pieces of cannon, and one brass howitzer, and several tons of cannon balls, recovered by them, by the use of their diving bell, from the bed of Penobscot River, if the said several articles of ordnance, or any of them, are wanted for the use of the Commonwealth, and can be had at a reasonable price.

CIV.

Resolve allowing fifty dollars to the Preacher of the Election sermon. February 22, 1810.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, the sum of fifty dollars, to the gentleman who shall preach the Election sermon, on the last Wednesday of May next.

CV.

Resolve on the petition of the town of Chester. February 22, 1810.

Upon the petition of the inhabitants of the town of Chester, praying for aid in building and maintaining a bridge across Westfield river at Falley's Village, so called.

Resolved, for reasons set forth in said petition, That the county of Hampshire be directed to aid and assist the said town of Chester in building and maintaining said bridge, for the term of ten years; and the Justices of the Court of Common Pleas for said county, are hereby authorized and directed from time to time, to insert in their estimate for a county tax, such sum or sums of money as may be thought necessary for defraying one half the expence of building and maintaining

faid bridge for and during the time aforesaid, to order payment of the same, out of the county treasury, whenever they shall deem it necessary—and to appoint an agent or agents to superintend the expenditure thereof.

CVI.

Resolve discharging Eli Whitcomb from a judgment of the Court of Common Pleas, county of Hancock. February 22, 1810.

On the petition of Eli Whitcomb.

Resolved, for reasons set forth in said petition, That the faid Whitcomb, be, and he hereby is discharged from a judgment recovered against him in favor of this Commonwealth at the Court of Common Pleas, holden at Castine, in and for the county of Hancock, in June last, for fifty dollars and costs.

CVII.

Resolve on the petition of the Chappaquidick Indians and grant to. February 22. 1810.

On the petition of a number of natives of Chappaquidick.

Resolved, for reasons set forth in said petition, That there be allowed and paid to said natives the sum of twenty-five dollars, out of the treasury of this Commonwealth, and his Excellency the Governour by advice of Council is hereby requested to issue his warrant upon the treasurer for the payment of the same accordingly.

CVIII.

Resolve on the petition of the selectmen of the town of Rochester. February 22, 1810.

Resolved, for reasons set forth in said petition, That the assessors of said town of Rochester for the year of our Lord one thousand eight hundred and nine, be, and they hereby are authorized and empowered to make out a warrant in due form of law to the collector of said town, for the year aforesaid, and deliver the same to said collector, and such warrant

shall be as good and effectual to all intents and purposes as if the same had been duly committed with the assessment for the year aforesaid to the said collector.

CIX.

Resolve on the petition of the original proprietors of the town of Sullivan. February 22, 1810.

Upon the petition of the committee of the original proprietors of the town of Sullivan, praying that the selectmen of that town may be empowered to make and execute deeds to said proprietors of fifty acres of land each, granted them by a resolve passed March 8, A. D. 1804, (the time having expired which was limited in said resolve for executing said deeds.)

Resolved, That the said selectmen be, and they hereby are authorized and empowered to make and execute deeds to all said original proprietors or their legal representatives, who are entitled by virtue of said resolve to fifty acres of land each, and have made their application and claim thereof, to said selectmen prior to the first day of April, A. D. 1806—upon their paying the money and complying with all the conditions mentioned in said resolve, which deeds shall have the same force and effect as if they had been executed within the time therein mentioned : *Provided*, The same shall be made and executed prior to the first day of April, A. D. 1813.

CX.

Resolve on the petition of John P. Shaw and others for raising a company of Cavalry. 3rd Regiment, 1st Brigade 8th Division. February 22, 1810.

On the petition of John P. Shaw and others, praying for liberty to raise by voluntary enlistment, a Company of Cavalry in the 3d. Regiment 1st. Brigade and 8th. Division of the Militia of this Commonwealth.

Resolved, That his Excellency the Governor, with the advice of the council, be and he is hereby authorized and empowered to raise by voluntary enlistment a company of Cavalry within said third Regiment, first Brigade, and eighth Division of the Militia of this Commonwealth ; *Provided*, the standing compa-

nies in said Regiment, are not reduced thereby below the number prescribed by law. Said company of Cavalry when raised to be attached to the squadron of Cavalry in said first Brigade and eighth Division, and subject to all such rules, and regulations as are or may be provided by law for governing the Militia of this Commonwealth.

CXI.

Resolve rendering valid the assessment of taxes in several towns, districts and parishes. February 22, 1810.

Whereas, it appears that in many of the Towns, Districts, and Parishes of this Commonwealth, the assessors have neglected to lodge in the clerk's office the invoice or valuation, or a copy thereof, from whence the rates or assessments were made. Therefore,

Resolved, That the assessment of taxes made in the several towns, districts and parishes in this Commonwealth, be, and the same are hereby rendered valid and effectual in law, the aforesaid neglect of the assessors notwithstanding.

CXII.

Resolve granting Timothy Hildreth twenty two dollars, for services mentioned. February 22, 1810.

On the petition of Timothy Hildreth, praying compensation for his time and expences in apprehending and prosecuting William Hagget, for passing counterfeit money.

Resolved, for reasons set forth in said petition, That there be allowed and paid out of the treasury of this Commonwealth, to the said Timothy Hildreth, the sum of twenty-two dollars, in full compensation for his services as set forth in his petition, and his Excellency the Governor, with the advice of the council, is requested to draw his warrant on the treasury therefor.

CXIII.

Resolve granting Oliver Bray and others, leave to raise a company of Rifle-men in Portland. February 22, 1810.

On the petition of Oliver Bray and others, praying for leave to raise a company of rifle-men in the town of Portland, and county of Cumberland, in the sixth regiment of the second brigade and sixth division of the militia of this Commonwealth.

Resolved, That his Excellency the Governour, with the advice of Council, be, and he is hereby authorized to raise by voluntary enlistment a company of riflemen, in the town of Portland, in the county of Cumberland, in the sixth regiment, second brigade, and sixth division of the militia of this Commonwealth, which company shall be annexed to the said regiment, and be subject to all the rules, regulations and restrictions, which are or may be provided by law, for regulating and governing the militia of this Commonwealth.

CXIV.

Resolve granting to the Superintendent of the State's Prison, the balance of his account £15481,96, and appropriating £10,000 to meet the expences of that institution. February 23, 1810.

The Committee of both Houses appointed to examine the accounts of the State's Prison, report that they have attended to the duties assigned to them, and believe the accounts to be correct. They find that the whole expence of that institution from December, 1808, to December, 1809, amounted to £37,386,46, and that the receipts by the sale of manufactured articles, &c. amounted in that year to £8904,50. They also find that the Legislature in their last winter session granted to the support of this institution £10,000, and in their June session £3000, and that there are now demands against the prison of £15481,96.

RESOLVES, Feb. 23, 1810.

Your Committee would also further represent, that there were on hand on the first day of December, 1809, manufactured articles appraised at
 and raw materials valued at

D11772 4
 1277 90
 —————

13049 94

Your Committee ask leave to submit the following resolutions.

WILLIAM SPOONER, per order.

Resolved, That there be allowed and paid out of the treasury of this commonwealth to Daniel Jackson, Esq. superintendent of the State's Prison, the sum of fifteen thousand four hundred and eighty one dollars and ninety six cents, being the balance of his account to the first day of December, one thousand eight hundred and nine; and his Excellency the Governour, by and with the advice of council, is hereby authorized to issue his warrant accordingly.

Be it further resolved, That his Excellency the Governour, by and with the advice of council be, and he is hereby authorized to draw warrants upon the treasurer of this commonwealth in favor of the superintendent of the State's Prison for such sums, at such periods as may be deemed expedient by the Governour and Council, not exceeding ten thousand dollars, to enable said superintendent to perform his contracts, and defray the expences of said prison the present year, he to be accountable for the same.

CXV.

Resolve for establishing a Light Infantry Company in Minot. February 23, 1810.

On the petition of Chesley Hatch and others, for leave to raise a Company of Light Infantry.

Resolved, That his Excellency the Governour with the advice of the council is hereby authorized and requested to establish a Company of Light Infantry by voluntary enlistment in the town of Minot, and to be subject and attached to the fifth regiment, in the third brigade, in sixth division of the Militia.

Provided, That the forming and embodying the said company doth not reduce the established Militia Company in the said town, below the number required by law.

CXVI.

Resolve on the petition of Gad and Betsey Warriner. February 24, 1810.

On the petition of Gad Warriner, and Betsey Warriner, of West Springfield, in the county of Hampshire, guardians to Norman Warriner, Lewis Warriner and Betsey Warriner, the only surviving heirs of Lewis Warriner late of said West Springfield, deceased, stating that the said Lewis Warriner deceased, and Benjamin Day, late of said West Springfield deceased, agreed to exchange certain lands which they owned, situate in said West Springfield, and that the heirs of said Lewis will be exposed to great loss unless the agreement can be carried into effect.

Resolved, For reason set forth in said petition that the said Gad Warriner, and Betsey Warriner be, and they hereby are authorized and empowered to release to Heman Day, one of the devisees in the will of the said Benjamin Day deceased all the right and title which Norman Warriner, Betsey Warriner and Lewis Warriner, children and heirs of the said Lewis Warriner, deceased, have in and to the following pieces of land, lying in said West Springfield, to wit, one piece containing twenty acres, be the same more or less, on Pickle-hill (so called) bounded west on a ditch and on land lately belonging to John Beach, south, east and north on a ditch; also one other piece of land, containing seventeen acres and an half on Pickle-hill, being the south side of the grant to Mr. Holyoke, and is bounded west on a ditch, and to run on the ditch from John Barber's land northerly thirty rods, southerly on John Barber's land, eastwardly on a ditch, and running northwesterly on the ditch from John Barber's land twenty two rods and one fourth of a rod, northerly on land which the said Benjamin agreed to convey to the said Lewis, which deed shall be effectual in law to convey to the said Heman Day all the right and title of the said Norman, Betsey and Lewis, in and to lands above described: *Provided*, That the said Heman Day shall deliver to the said Gad and Betsey, to be rerecorded, a certain deed executed and acknowledged on the seventeenth day of April, in the year of our Lord one thousand seven hundred and ninety seven, by the said Benjamin Day, deceased, by which he conveyed to the said Lewis Warriner, deceased, the following tracts of

land lying in said West Springfield, at a place called Pickle-hill, to wit, one piece containing twenty acres lying on the said hill, bounded west on a ditch, and south on a ditch, east on a ditch running between this twenty acre lot, and the grant to Mr. Holyoke, then bounding north on an ancient highway on the top of the hill, reserving to himself his heirs and assigns a right of way across the same; also one other piece of land containing seventeen acres and an half, being part of the fifty acre lot granted to Mr. Holyoke, beginning at the northwest corner of the lot which said Lewis agreed to convey to the said Benjamin on the ditch, and running east eleven degrees and thirty minutes south, on the north side of the land which the said Lewis agreed to convey to the said Benjamin to the ditch at the corner of said land, one hundred and twenty rods, thence running northward on said ditch, nineteen rods, then west near fifteen degrees north one hundred and thirty four rods to a ditch at the west end, then southwardly on the said ditch twenty seven rods; provided also, that the said Heman Day shall release to Jabez Kirkland, the tenant in possession, all the right and title which he the said Heman may have in and to the two tracts of land last mentioned.

CXVII.

Resolve authorizing John Dickinson to reconvey a certain piece of land in Machias. February 24, 1810.

On the petition of John Dickinson executor of the last will and testament of Levi Fairbank, late of Machias in the county of Washington, Esq. deceased,

Resolved, That for reasons forth in his said petition, John Dickinson, of Machias, in the county of Washington, executor of the last will and testament of Levi Fairbank, late of said Machias, deceased, be and he hereby is authorized and empowered to reconvey by deed, duly executed, to John Babcock Hilliard, of said Machias, a certain piece of land situated in said Machias and bounded as follows, viz southerly and westerly by the eastern branch of Machias river, northerly by Wallace Finlanson's land, and easterly by Aaron Halscom, junr's. land, containing about four acres and one half an acre of land, together with the buildings thereon, and also one eighth part of the saw, of the double saw mill (commonly called None-such) situated on the said eastern branch of Machias river, being the

same land and eighth part of a saw mill mentioned and conveyed in said Hilliard's deed to said Fairbank, on the thirteenth day of November, in the year of our Lord one thousand eight hundred and six : *Provided*, The said Hilliard shall before the execution of the deed herein above provided for, pay and satisfy his just proportion of the debts due from the late firm of Fairbank and Hilliard, of which the said Hilliard and Fairbank were members. *Also resolved*, That said Dickinton be and he hereby is empowered and authorized to reconvey to said Hilliard, one fourth part of a certain saw mill and privilege situated in Steuben in the county of Washington, on Tunck stream so called, which mill is commonly known by the name of Lunck Mill being the same which was conveyed by said Hillard to said Fairbank on the first day of December, in the year of our Lord one thousand eight hundred and six : *Provided*, The said Hilliard shall before the reconveyance of said mill to him, procure a discharge of said Fairbank, his heirs and assigns, from all demands on account of any promissory notes signed by said Hilliard and endorsed for him by said Fairbank as surety for the payment thereof.

CXVIII.

Resolve on the petition of Joseph Wales, authorising the Judge of Probate of Worcester County to allow his account. February 26, 1810,

On the petition of Joseph Wales, praying that the Judge of Probate for the county Worcester, may be authorized to allow his account for repairs made on the estate set off to Mary Willard as her dower in the estate of Abijah Willard, deceased.

Resolved, for reasons set forth in said petition, That the Judge of Probate, for the county of Worcester, be, and he hereby is authorized and empowered to allow to the said Joseph Wales so much of his account for the repairs made on the estate set off in dower to Mary Willard, the widow of Abijah Willard, previous to the sale thereof, for the benefit of the creditors, as under all the circumstances of the case shall to the said Judge appear just and reasonable.

CXIX.

Resolve abating the town of York, a fine on certain conditions. February 26, 1810.

On the petition of the inhabitants of the town of York, in the county of York, by their agent,

Resolved, for reasons set forth in said petition, That the inhabitants of the town of York be discharged from paying a fine of one hundred dollars, awarded by the Supreme Judicial Court holden at Alfred, in said county, on the last Tuesday of October, 1809, on account of bad roads, on condition that the said sum of one hundred dollars be faithfully expended on the road and bridge over a creek as lately laid out between the meeting house and the lower bridge over York river by the first day of August next, under the direction of the selectmen in addition to the sum that is usually raised by said town for the repairs of highways the ensuing year, the said inhabitants producing satisfactory evidence of such expenditure to the Supreme Judicial Court next to be holden at Alfred, within said county, and paying costs of said prosecution.

CXX.

Resolve authorizing Samuel Brooks to apply for a jury to estimate damages he has sustained. February 26, 1810.

On the petition of Samuel Brooks, stating that he has failed to make application to the late Court of Sessions for a jury to estimate damages done him by having a road laid out through his land, and praying that he may still have liberty to make such application.

Resolved, for reasons set forth in said petition, That Samuel Brooks, of Worcester, in the county of Worcester, be, and he is hereby authorized to make application to the Court of Common Pleas, next to be holden at Worcester, in and for the county of Worcester, for a jury to estimate the damages he has sustained by the laying out and opening a road through his land, which road begins near the dwelling house of Mrs.

Chadwick, and coming out near the dwelling house of Nathaniel Flagg, in said Worcester, and said Court of Common Pleas are hereby authorized to sustain the said applica-

tion and grant the same, in the same manner the Court of Sessions then existing might have done, had the application been made within the time prescribed by law, and the jury so to be appointed shall have the same powers and duties that any jury seasonably appointed by said Court of Sessions would have had.

CXXI.

Resolve on the petition of Phineas Gleason and others. February 26, 1810.

On the petition of Phineas Gleason and others, praying for leave to raise a company of light infantry in the second regiment, second brigade, and seventh division of militia of this Commonwealth.

Resolved, That his Excellency the Governour, with advice of Council, be, and he is hereby authorized, to raise by voluntary enlistment a company of light infantry, in the second regiment, second brigade and seventh division of militia of this Commonwealth, which company shall be annexed to the said regiment, and be subject to all the rules regulations and restrictions, which are or may be provided by law for regulating and governing the militia of this Commonwealth.

CXXII.

Resolve granting Deliverance Bennet thirty two dollars twenty six cents. February 26, 1810.

On the petition of Deliverance Bennet, setting forth that he was a private soldier in the late revolutionary army of the United States, and in the regiment commanded by Col. Thomas Marshall, and that there remains on the books of said Regiment a small balance in his favour which remains unpaid.

Resolved, For reasons set forth in said petition, that there be allowed and paid out of the publick treasury to the said Deliverance Bennet the sum of thirty two dollars and twenty six cents in full of said balance.

CXXIII.

Resolve authorizing the Governor with advice of Council to establish a Company of Light Infantry in the town of Haverhill. February 26, 1810.

On the petition of Joseph Hovey praying that he may be permitted to raise a Company of Light Infantry in the town of Haverhill.

Resolved, That the Governor, by and with the advice of the Council, be and he hereby is authorized and empowered to establish a company of Light Infantry in the town of Haverhill, which company, when raised, is to be annexed to the fifth regiment, second brigade, and second Division of the militia of this commonwealth, *Provided*, the forming of said company shall not in its operation reduce the established militia companies in said town of Haverhill below the numbers prescribed by law.

CXXIV.

Resolve authorizing the Governor, with advice of the council, to raise a Light Infantry Company in the town of Easton. February 27, 1810.

On the petition of Leonard Perry and others praying for leave to raise a Company of Light Infantry in the town of Easton, in the county of Bristol, in the fourth regiment of the second brigade and fifth division of the militia of this commonwealth.

Resolved, That his Excellency the Governor with advice of council, be, and he is hereby authorized to raise by voluntary enlistment a Company of Light Infantry in the town of Easton, in the county of Bristol, in the fourth regiment of the second brigade and fifth division of the militia of this commonwealth, which company shall be annexed to the said regiment and be subject to all the rules, regulations and restrictions which are or may be provided by law for regulating and governing the militia of this commonwealth.

CXXV.

*Resolve respecting the Natick tribe of Indians, and for appointing a
Guardian. February 27, 1810.*

Whereas a resolve on the petition of the Natick tribe of Indians, was passed on the 21st February, 1809, and doubts have arisen as to the sufficiency of said resolve to effect the purposes intended. Therefore,

Resolved, That his Excellency the Governour, by and with the advice of council, be, and he hereby is authorized, from time to time, to appoint a guardian to the Natick tribe of Indians, under such restrictions and regulations as they may think necessary, and the same at pleasure to displace; and any former resolve appointing a guardian be and hereby is repealed after another guardian shall have been appointed in manner aforesaid.

CXXVI.

Resolve on the petition of Robert Green and Caleb Shattuck, discharging said Caleb from a recognizance. February 27, 1810.

On the petition of Robert Green and Caleb Shattuck, praying that the said Caleb may be discharged from a recognizance in which he recognized, together with the said Robert Green, as his security, before Abraham Lincoln, Esq. one of the Justices of the Peace for the county of Worcester, on the thirtieth day of March, in the year of our Lord one thousand eight hundred and nine, for the appearance of the said Robert Green at the next Supreme Judicial Court to be holden in and for the county, in the sum of two hundred dollars.

Resolved, That the said Caleb be discharged from the aforesaid recognizance, and that all proceedings thereon be stayed, upon the payment of all costs at the Supreme Judicial Court, next to be holden at Worcester, within and for the county of Worcester, which shall then have arisen upon the suit which has been commenced against the said Caleb on the recognizance aforesaid.

RESOLVES, Feb. 27, 1810.

CXXVII.

Resolve making a grant to the Attorney General and Solicitor General. February 27, 1810.

Resolved, That there be allowed and paid out of the publick treasury to Barnabas Bidwell, Esq. Attorney General, and to Daniel Davis, Esq. Solicitor General, the sum of six hundred and thirty five dollars, in addition to their salary established by law, which shall be in full for their services and salary to the first day of March, 1810. And that from and after that time, the said Attorney and Solicitor General shall keep an accurate account of all the services which they shall do and perform for the Commonwealth; and of all fees which they shall receive, or which may be due therefor, and also of all costs by them received, or taxed on suits by writs of scire facias in favour of the Commonwealth, and exhibit the same account to the next Legislature, at the second session thereof.

CXXVIII.

Resolve on the petition of Joseph Bemis, of Canton. February 27, 1810.

On the petition of Joseph Bemis, of Canton, in the county of Norfolk, stating that by a resolve of this Legislature, bearing date March 1, 1800, he was appointed guardian to a tribe of Indians, called the Punkapogue Tribe, and that by a resolve dated February 14, 1798, a committee, consisting of Elijah Dunbar, Esq. Benjamin Gill and William Beech, were appointed for the purposes therein mentioned, and that two of the said committee, viz. Benjamin Gill and William Beech, having since deceased, and praying this Legislature to appoint two other persons to fill up the vacancy.

Therefore resolved, That Benjamin Tucker and Samuel Blackman be and they hereby are appointed to fill the vacancy in said committee with the same powers invested in the original committee.

CXXIX.

Resolve on the petition of Thomas Powers. Feburary 28, 1801.

On the petition of Thomas Powers, praying that a further time may be allowed to the creditors of the estate of James Sloan, late of Greenwich, in the county of Hampshire, deceased, represented insolvent.

Resolved, For reasons set forth in said petition, that the Judge of Probate for the county of Hampshire be authorized to extend the commission of insolvency on the estate of said James Sloan, either by giving authority to the commissioners heretofore appointed, or by appointing new commissioners, as he shall judge proper, so far as to allow a further time of sixty days from the passing of this resolve, for any creditor or creditors to bring in their claims to said estate.

Provided, That the commissioners appointed under this resolve, give notice of the time and place of their meeting, by publishing the same in the Hampshire Gazette, printed at Northampton, in said county, and by posting the same in one publick place in the town of Greenwich, at least ten days previous thereto : *And provided also*, That all the expences arising under this resolve, be born by such creditor or creditors as shall prove new claims.

CXXX.

Resolve for paying the troops and others, for services and supplies in the late apprehended insurrection in Kennebeck. February 28, 1810.

The committee of both houses to whom was referred his Excellency the Governour's communication relative to the apprehended insurrection in the county of Kennebeck, in the months of October and November last, with all the papers and documents accompanying the same,

Ask leave further to report, That your committee have in compliance with the resolution which passed both branches of the Legislature, and was approved by the Governour of February 16, 1810, caused to be completed the pay rolls for the several companies of militia which were called out and served in said apprehended insurrection, agreeably to the instructions

to them in said resolutions given, and have accurately ascertained the total amount of each pay roll.—Your committee have also examined with care and attention the accounts of the several towns which furnished rations and other supplies for the troops of their several towns agreeably to law in the like cases provided.—Your committee have examined other accounts and documents for incidental charges during the whole of the time in which the troops were in service; such as expences for barracks, and other quarters for the troops, fire-wood, doctor's bills, horse hire, reconnoitring parties and such other things as necessarily became matters of charge; and have ascertained the amount thereof, which in the opinion of your committee should be allowed and paid. The amount of the sums contained and entered on the pay rolls of the several companies made out and footed agreeably to the aforesaid resolution, are as follows viz.

On pay roll No. 1,	Samuel Cony, commanding officer of the detachment, for his wages and rations	\$238 66
On pay roll No. 2,	Containing the officers, non com- missioned officers and soldiers of Cap. Reuel Howard's company of Augusta	669 43
On pay roll No. 3,	Containing the officers non-com- missioned officers and soldiers of Capt. Benjamin Prescott's company of Hallowell	716 74
On pay roll No. 4,	Containing the officers, non com- missioned officers and soldiers of Capt. Spencer Feno's company of Hallowell	234 96
On pay roll No. 5,	Containing the officers, non com- missioned officers and soldiers of Capt. William H. Page's company of artillery, of Hallowell	151 33
On pay roll No. 6,	Containing the officers, non com- missioned officers and soldiers of Capt. Stephen Lovejoy's company, of Sidney	1121 66
On pay roll No. 7,	Containing the officers, non com- missioned officers and soldiers of Capt. Levi Johnson's company of Readfield	960 50

On pay roll No. 8, Containing the officers, non com-missioned officers and soldiers of Capt. Elijah Davenport's company of Winthrop	654 59
On pay roll No. 9, Containing the officers, non-com-missioned officers, and soldiers of a company commanded by Lieut. Elijah Snell, of Winthrop	318 69
On pay roll No. 10, Containing the officers, non-com-missioned officers and soldiers of Capt. Joseph P. Chandler's company, of Monmouth	123 72
On pay roll No. 11, Containing the officers, non-com-missioned officers and soldiers of Capt. Thomas Coss's company, of Pittston	149 36
On pay roll No. 12, Containing the officers, non-com-missioned officers and soldiers of Capt. Benjamin Palmer's company, of Fayette	694 53
On pay roll No. 13, Containing the officers, non-com-missioned officers and soldiers of Capt. Jonathan Low's company, of Vassalborough	785 27
On pay roll No. 14, Containing the officers, non-com-missioned officers and soldiers of Capt. John Stone's company of Gardiner	956 80
On a roll, No. 15, Containing sundry incidental charges, viz. for barracks, and other quarters for the troops, fire-wood, doctors' bills, horse hire, reconoitring parties, and other matters and things as entered on said roll	411 00
	8187 24

Accounts examined, and proposed by the committee to be allowed to the towns which furnished rations and other supplies for the troops of their several towns agreeably to law, are as follows, viz.

To the town of Augusta, as per account allowed No. 1	311	28
To the town of Sidney, as per do.	No. 2	438 33
To the town of Vassalboro, per do.	do.	No. 3 369 27
To the town of Pittston, as per do.	do.	No. 4 46 92
To the town of Winthrop, as per do.	do.	No. 5 354 69
To the town of Readfield, as per do.	do.	No. 6 355 66
To the town of Monmouth, as per do.	do.	No. 7 29 9
To the town of Hallowell, as per do.	do.	No. 8 339 22
To the town of Gardiner, as per do.	do.	No. 9 286 83
To the town of Fayette, as per do.	do.	No. 10 237 25
The committee propose that there should be allowed and paid to Major General Henry Sewall, for his time, expences, and other attention, from the period the troops were called out until they were disbanded, the sum of		70 00

Total D₁1025 78

The sum total amounting to eleven thousand twenty-five dollars, and seventy-eight cents.

Your committee further report as their opinion, that it will be advisable and necessary to authorize the Governour and council, to appoint some suitable person to receive the whole amount of the monies due on the several pay rolls, on accounts due the several towns, and on all other accounts, and cause the same to be transmitted and paid over to the persons and towns to whom it shall be due, at some convenient place in the county of Kennebeck, the person to be appointed to give bonds, or other satisfactory security in the opinion and judgment of the Governour and council, for the faithful discharge of the trust; and afterwards as soon as may be, to render an account and settle the same with the Governour and council. The committee find that there are sundry articles or property appertaining to the encampment, belonging to the commonwealth, such as barracks, boards, nails, &c. in said county of Kennebeck; they would propose that all such property should be sold at publick vendue, or otherwise, in such manner and by such person as the Governour and council shall direct and appoint; and for all the aforesaid services, such agent or pay master appointed as aforesaid, shall be entitled to receive a reasonable compensation for his services, in the opinion of the Governour and council. To carry into effect the objects contained in the foregoing report, your committee beg leave to submit the following Resolution:

HUGH MC. CLALLEN, per order.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth the several sums enumerated and specified in the foregoing report, for the sole use and benefit of the persons borne on the several pay rolls marked from No. 1 to No. 14 inclusive, as in said report mentioned, and to the treasurers of the several towns named in said report as per accounts marked from No. 1 to No. 10 inclusive, for the use of said towns, and to all the persons borne on a roll marked No. 15, for incidental and other charges as therein specified, and also seventy dollars to Major General Sewall, as reported by the Committee, amounting in the whole to even thousand and twenty five dollars and seventy eight cents, in full for the services done and performed by the several persons, and supplies furnished by the towns named in said pay rolls, and other accounts.

And be it further resolved, That the Governour, with the advice and consent of council, be and he hereby is authorized and requested to appoint some suitable person or persons to receive the whole amount of the monies due on the several pay rolls on the accounts due the several towns, and due on all other accounts specified in the above report, and cause the same to be transmitted and paid over to the persons and towns to whom it shall be due, at some convenient place in the county of Kennebeck; the person or persons thus appointed to give bonds or other security to the satisfaction of the Governour and council, for the faithful discharge of the trust; and afterwards as soon as may be, render an account, and settle the same with the Governour and council.

And be it further resolved, That the Governour, with advice of council, cause to be sold at publick auction or otherwise, all the property belonging to the Commonwealth appertaining to the encampment as specified in said report, by such person as they shall appoint.

And for all the aforesaid services, such agent or agents, appointed as aforesaid, shall receive such reasonable sum as compensation, as in the opinion of the Governour and council, shall be equitable, such person or persons to account for all monies which may come into their hands as aforesaid.

And be it further resolved, That this Excellency the Governour with advice and consent of the council, be and he hereby is authorized and requested to draw his warrant on the Treasury (in favour of such person or persons as may be appointed to

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receive the same as aforesaid) for the sum of eleven thousand and twenty five dollars and seventy eight cents.

CXXXI.

Resolve granting Jonathan Munroe six hundred and one dollars and forty-four cents to satisfy a judgment recovered by Daniel Murray. Feb. 28, 1810.

On the petition of Jonathan Munroe, stating that he had purchased lands subject to a mortgage to John Murray, one of the conspirators named in the act, commonly called the Conspirators act, and had paid the full amount of the mortgage money to the committee appointed by the legislature to receive all monies due on estates mortgaged to conspirators, and took from them a discharge of said mortgage according to law; and that in the circuit court of the United States for this district, in October last, Daniel Murray, administrator with the will annexed, of the said John Murray, recovered judgment against him upon the said mortgage, for possession of said lands, unless he should pay him the sum of four hundred and twenty-four dollars and ninety cents, and costs, as in cases of mortgage; and praying this court to enable him to discharge said judgment, and compensate him for his trouble and expences.

Resolved, for reasons set forth in said petition, that there be paid out of the treasury of this commonwealth to the said Jonathan Munroe, six hundred and one dollars and forty-four cents, to enable him to discharge said judgment, and disincumber his said lands, and to compensate him for his trouble and expences in defending his said suit.

CXXXII.

Resolve determining the line on the northwesterly side of Baldwin. March 1, 1810.

Whereas the General Court on the eighth day of February, A. D. 1774, passed a resolve granting to Samuel Whittemore and others, a certain township of land on the east side of Saco river, late the plantation of Flintstown, but now incorporated by the name of Baldwin; and whereas in the confirmation of said grant, by another resolve passed on the sixteenth

day of June, A. D. 1780, there does appear to have been errors in describing some of the lines on the northwesterly side thereof. Therefore,

Resolved, That the line on the northwesterly side of said township, beginning at the northwardly corner thereof, where the same in said confirmation is described as running southwest fifteen hundred and eighty four rods, for the future be considered and understood to run southwesterly on the lines of Bridgetown and Denmark, about fifteen hundred and eighty four rods to the line of Brownfield; thence south thirty degrees east, about one hundred and fifty rods to the eastwardly corner of said Brownfield; thence south sixty degrees west, about three miles on said line of Brownfield to Prescott's grant (so called); thence south thirty degrees east about three hundred and sixty one rods on said Prescott's grant to the eastwardly corner thereof; thence south sixty degrees west about five hundred and one rods by said grant to Saco river, any act or resolve to the contrary notwithstanding.

CXXXIII.

Resolve on the petition of Henry Van Schaick and others. March 2, 1810.

On the petition of Henry Van Schaick and others, sureties of Simon Larned, Esq. Sheriff of the county of Berkshire, praying that they may be released from their responsibility after the fifteenth day of April next.

Resolved, That for the causes set forth in said petition, the prayer thereof be granted, and that the said Henry Van Schaick, John C. Williams, and Thomas Gould, for themselves, and Mary Strong, as executor to the last Will and Testament of Ashbel Strong, Esq. shall be and they hereby are released from the performance of the condition of their bond respecting any Laches or misfeasance of the said sheriff happening after the fifteenth day of April next; and the secretary of this commonwealth is hereby directed to cause a copy of this resolve to be sent to the clerk of the court of common Pleas for the said county, that he may lay the same before the justices of that court in order that they may call on the said sheriff to give such further surety as they may judge the Publick safety may require.

CXXXIV.

Resolve on the petition of Samuel Prince. March 2, 1810.

On the petition of Samuel Prince, praying that a judgment recovered against him upon a recognizance to the Commonwealth for the appearance of one George Menzes, to appear before the Municipal Court in the town of Boston, may be remitted him.

Resolved, For reasons set forth in said petition, that upon the petitioner's paying all the costs and charges, which have arisen for the recovery of said recognizance, that the said Samuel Prince be and hereby is discharged therefrom.

CXXXV.

Resolve on the petition of the towns of Cambridge, Lexington, Brighton and West Cambridge. March 2, 1810.

Upon the petition of the towns of Cambridge, Lexington, Brighton, and West Cambridge.

Resolved, That for reasons set forth in said petition, that there be allowed and paid out of the treasury of this Commonwealth to the Selectmen of the towns of Cambridge, Lexington, Brighton, and West Cambridge, to be expended in repairs upon the great bridge over Charles River between Cambridge and Brighton, the sum of one hundred dollars, being the amount of the fine paid by them pursuant to a judgment of the Court of Common Pleas, begun and holden at Cambridge, in the county of Middlesex, on Monday the nineteenth day of December, in the year of our Lord one thousand eight hundred and eight, upon an indictment found against them for not keeping said bridge in repair. And his Excellency the Governour, by and with the advice of council, is requested to grant a warrant on the treasury accordingly.

CXXXVI.

Resolve on the petition of Nehemiah Gitchel. March 2, 1810.

On the petition of Nehemiah Gitchel and others, praying that the executor of the last will and testament of William Goodwin, late of Charlestown in the county of Middlesex, deceased, may be authorized and empowered to make a deed to the said Gitchel, of a certain tract of land with the appurtenances, which the said William in his life time had agreed to convey to him the said Gitchel, upon his the said Gitchel, performing certain conditions, which the said Gitchel has always been ready to perform.

Resolved, For the reasons set forth in said petition, That Thomas Johnson, of Charlestown, in the county of Middlesex, Executor of the last will and testament of the said William Goodwin, be, and he hereby is authorized and empowered to make and execute to the said Gitchel a deed sufficient to convey to him all the estate, right, title and interest of which the said William died seized, in and to a certain tract and parcel of land, with the appurtenances, situate in the town of Clinton, in the county of Kennebeck, and on the easterly side of Sebasticook river, containing two hundred and twenty eight acres, bounded as follows, viz. beginning at the northwesterly corner of check lot number two, in the centre of the line of lot three; thence running on said line, west northwest, two hundred and thirty six rods, or so far as to embrace the quantity of land aforesaid; thence south southwest one hundred and fifty six rods, and until it comes to land reserved by the Plymouth company for a road; thence easterly by the same land until it comes to said check lot; thence northerly by said check lot until it comes to the place first mentioned; *Provided*, the said Gitchel makes and executes a good deed with warranty of a certain messuage and tract of land, with the appurtenances, situate in the town of Waterville and county of Kennebeck, containing seventy nine square rods, bounded as follows, viz. beginning on the northerly side of the river road, so called, at a stake and stones, about three rods westerly of the dwelling house occupied by William Millar; thence running westerly eleven rods to a stake and stones by land of Asa Redington; thence north twenty seven degrees east seven rods to a stake and stones; thence east south east twelve and an half rods to a

stake and stones on said road, by land beloning to Afa Redington and Jeremiah Kidder ; thence westerly by said road to the bound first mentioned ; sufficient to convey the said premises with the appurtenances, to some person or persons, in trust for the use of Abigail Goodwin, widow of the said William Goodwin, during her life, and from and after the death of the said Abigail, to the use of Mary Millar, wife of William Millar aforesaid, during her natural life, and from and after the death of said Mary, to the use of the children of the said William and Mary, and their heirs and assigns forever, being the same uses to which the tract of land first mentioned is conveyed by the last will of said William, and a deed made by the said Johnson as aforesaid, shall be as good and effectual to convey the tract of land, first mentioned, to the said Gitchel, as though it had been made by the said William in his life time.

CXXXVII.

Resolve on the petition of sundry persons, creditors of the late General Knox. March 2, 1810.

On the petition of sundry persons, representing that they were creditors of the late General Henry Knox, and were so at the time of his decease, and that they have, by accident, lost the benefit of claiming under the commission of insolvency, issued on the estate of said Knox, the same having been closed.

Resolved, That the Judge of Probate, in and for the county of Lincoln, be and he hereby is authorized and required to cause the commission on the estate of the said Henry Knox, to be further extended for the term of six months from the first day of March, 1810. And that all persons who have not exhibited their claims on the estate of said Henry, be and they hereby are authorized and empowered to exhibit the same to the commissioners ; and that all persons, whose claims were not allowed by said commissioners, either in whole or in part, may appeal from their decision as though such appeal had been claimed within the time prescribed by law. .

Resolved further, That if the commissioners heretofore appointed, shall have deceased, or they or either of them shall be incapacitated, or shall refuse to serve, the Judge of Probate is hereby authorized to appoint one or more other commissioners.

CXXXVIII.

Resolve on the petition of the Selectmen of Durham. March 2, 1810.

On the petition of the selectmen of Durham, for Legislative aid to authorize their Collector of taxes, for the year 1807, to complete the collection of his bills for that year,

Resolved, for reasons set forth in said petition, That the assessors of the ministerial tax in the town of Durham, (for the time being) be authorized and directed to sign the bills now in the hands of the said collector, for the year eighteen hundred and seven, and that the said collector may proceed in collecting the remainder of his bills for the said ministerial tax, and that his proceedings therein shall be as valid in law, as if the same bills had been signed by a majority of the assessors of said tax when committed to said collector.

CXXXIX.

Resolve on the petition of Daniel Cleaves, in behalf of the Saco Free Bridges Proprietors. March 2, 1810.

On the petition of Daniel Cleaves, chairman of the proprietors of the Saco Free Bridges, praying for Legislative aid to enable them to build a bridge over the eastern branch of Saco river, from Indian Island to the shore in Saco, said proprietors having already built a good and substantial bridge over the western branch of said river, from Biddeford to said Indian Island, agreeable to their act of incorporation.

Resolved, for reasons set forth in said petition, that there be and hereby is granted (subject to the usual reservations and conditions of settlement, and upon the conditions herein after mentioned) to said proprietors for the purposes aforesaid, one quarter part of a township of land of the contents of six miles square, out of any of the unappropriated lands in the district of Maine, excepting the ten townships lately purchased of the Penobscot Indians, to be laid out under the direction of the agents for the sale of the eastern lands, who upon receiving a certificate from the treasurer of this Commonwealth that a bond has been given to him as herein after mentioned, are hereby authorized and directed to make and execute a good and suffi-

cient deed of the same to Daniel Cleaves, Jeremiah Hill, Ichabod Fairfield, Nathaniel Goodwin, and Edmund Coffin, proprietors of said bridges, in trust to and for the use and benefit of the members of the said corporation or to their heirs and assigns : *Provided*, That they the said Daniel Cleaves, Jeremiah Hill, Ichabod Fairfield, Nathaniel Goodwin and Edmund Coffin, shall first give bonds to the treasurer of said Commonwealth, in the penalty of six thousand dollars, well and truly to perform the conditions hereafter specified in this resolve, agreeably to the true intent and meaning thereof ; that is to say, that the said proprietors shall build said bridge over said eastern branch of Saco river, within two years from the first day of January last past, and that they also keep both of said bridges in good repair, for and during the term of twenty years from the said first day of January ; and all passengers are to pass and repass said bridges, free of toll during said term of twenty years, and that the said proprietors at the end of the said term shall leave both of said bridges in good repair.

CXL.

Resolve for granting a further time to the non commissioned officers and soldiers who enlisted in the late American army, during the war with Great Britain, to make settlements on the lands granted to them by a resolve of the General Court, passed March 5, 1801. March 2, 1810.

Resolved, That a further time of three years from the fifth day of May next, be and hereby is granted and allowed to the noncommissioned officers and soldiers, who have proved or may hereafter prove their claims to two hundred acres of land agreeable to a resolve of the General Court, passed March the fifth, one thousand eight hundred and one, and the several resolves respecting the same.

CXLI.

Resolve on the petition of William Cobb for lot, No. 10. March 2, 1810.

On the petition of William Cobb, shewing that he is in possession of a lot of land number ten in the fifth range of lots in the town of Sumner, in the county of Oxford, the property of the Commonwealth, that he has been at great expence in purchasing and erecting mills on said lot for the accommodation of the inhabitants of said town, and praying that he may have said lot confirmed to him upon such terms and conditions as the Legislature shall think proper.

Resolved, That the agents of this Commonwealth upon the subject of eastern lands, be and they are hereby authorized to sell and convey the lot of land number ten, in the fifth range of lots in the town of Sumner to said William Cobb, his heirs and assigns, upon such terms and conditions as they shall think just and reasonable under existing circumstances.

CXLII.

Resolve on the petition of John L. Sullivan. March 2, 1810:

On the petition of John L. Sullivan, relative to the sale of certain real estate and the investment of the proceeds thereof.

Resolved, for reasons set forth in said petition of John L. Sullivan, That William Sullivan, and Jonathan Amory, Jun. of Boston, in the county of Suffolk, be and they hereby are authorized and empowered to make, execute, acknowledge and deliver in due form of law, any deed or deeds to convey any real estate of which Elizabeth, the wife of said John, is owner in fee simple, and of which the said John and Elizabeth are seized in her right, and also in like manner to make, execute, acknowledge and deliver any deed or deeds to convey all the right of dower of the said Elizabeth in any estate of which the said John is seized in his own right. *Provided nevertheless,* That the said William Sullivan and Jonathan Amory, Jun. before they shall have power and authority in virtue of this resolve to execute and deliver any deed or deeds as aforesaid, shall give bond to the Judge of Probate of Wills;

and for granting letters of administration within and for the county of Suffolk, payable to him or to his successors in office; in the penalty of thirty thousand dollars, to invest the proceeds of any estate of the said Elizabeth which the said William Sullivan and Jonathan Amory, Jun. may sell and convey in virtue of this resolve, or may have sold and conveyed in virtue of a former resolve, bearing date the 17th June, 1807, in personal estate in their names in trust, and to the survivor of them, and the heirs, executors and administrators of the survivor of them in trust to permit the said John L. Sullivan to take and have the income of such investments, and all interests and dividends thereon for and during the joint lives of the said Elizabeth and the said John. And to permit the survivor of them during his or her life as the case may be to have and take the said income, interest or dividends, and from and after the decease of the survivor of them, then to permit and authorize the heirs of the said Elizabeth, to have and take the said stock to their own use. That the said bond shall be conditioned also, that one third part of the purchase money which any estate may be sold for, in which said Elizabeth hath right of dower only, shall be invested in manner aforesaid, the income, interest, or dividends thereof, to be paid to the said John during the joint lives of the said John and Elizabeth; and in case the said Elizabeth should survive the said John, said income, interest or dividends, to be held to and for the use of said Elizabeth and her heirs; and in case he should survive her, then the said personal property which may have been purchased with said one third part of the purchase money as aforesaid, to be assigned or transferred to and held by the said John in his own right. *And provided,* That said bond be further conditioned to appropriate and hold the proceeds of any former sales for the like uses and purposes as herein provided concerning future sales.

And be it further resolved, That such parts of the resolve passed on the seventeenth day of June, 1807, as come within the purview of this resolve shall have no further force or effect after the date hereof.

CXLIII.

Resolve authorizing the treasurer of the Commonwealth to borrow twelve thousand dollars at the Hallowell and Augusta Bank, to pay the detachment of the Militia, &c. in the county of Kennebeck.
March 3, 1810.

Resolved, That the treasurer of this Commonwealth be, and he hereby is authorized to borrow at the Hallowell and Augusta Bank, a sum not exceeding twelve thousand dollars, for the payment of the detachment of militia, and of other expenses incurred in preventing the apprehended insurrection in the county of Kennebeck, as allowed by a resolve passed the twenty-eighth day of February, one thousand eight hundred and ten, or such part thereof as shall not be paid out of the treasury of this commonwealth.

CXLIV.

Resolve granting Hugh Mulloy forty dollars, for the loss of his horse.
March 3, 1810.

On the petition of Hugh Mulloy, a deputy Sheriff of the county of Lincoln, praying for indemnity for a horse killed when in the execution of his duty as a deputy sheriff.

Resolved, for reasons set forth in said petition, That there be paid out of the treasury of this commonwealth to Hugh Mulloy, of Litchfield, a deputy sheriff in the county of Lincoln, the sum of forty dollars in full, for the loss of his horse, when in the execution of his duty as deputy sheriff of said county.

CXLV.

Resolve on the petition of William Webb, Guardian of the minor Children of Simeon Turner. March 3, 1810.

Whereas on the petition of William Webb, guardian of the minor children of Simeon Turner, sen. late of Bath, in the county of Lincoln, deceased, and administrator of the estate of Simeon Turner, jun. late of said Bath, deceased, it appears that the said Simeon Turner, sen. left a large real estate in said town of Bath, and by will devised the same to his widow during her life, and that Simeon Turner jun. one of the children and heirs of said Simeon, has lately deceased intestate, and the said William Webb has been appointed administrator on his estate, and in his capacity of administrator has obtained licence from the Court of Common Pleas in said county, to sell so much of said Simeon, jun.'s real estate as will pay the debts due from said intestate, amounting to two hundred dollars, and costs of administering ; and whereas it will be for the benefit of the heirs and all persons interested either in the estate of said Simeon, or Simeon, jun. to have a part of said real estate sufficient for the purposes aforesaid, sold by metes and bounds instead of selling an undivided proportion of said Simeon, jun.'s share in the same therefor, and whereas the widow of said Simeon, sen. and those of his children who are of age have, in order to enable the said administrator so to sell and convey, released their rights to him in the following described lots ; and whereas, in order to enable the said Webb to give a complete title to the said lots, it is necessary he should be empowered to sell and convey the right of the minor children of said Simeon, sen. to the same.

Therefore resolved, That said William Webb, guardian as aforesaid, be, and he is hereby empowered to sell and convey by deed duly executed, either at private sale or publick auction, as shall be most for the benefit of those interested in said estate, all the right, title and interest of the said Simeon's children for whom he is Guardian, in and to the following described lots of land, situated in said Bath, and bounded as follows, viz. Beginning at the northeast corner of land belonging to James W. Lemont, on Front-street, then running westerly by said Lemont's land, to land in possession of Dexter Brown ; then southerly by said Brown's land to Peleg Tallman's land, then

easterly by said Tallman's land to Front-street, then northerly by said street to the first mentioned bounds. Also one other small lot beginning at Peleg Tallman's northeast corner, bound and running easterly by the lot above described, about fifteen feet more or less, then southerly by said street to said Tallman's land, then northerly by said Tallman's land to the first mentioned bounds; and that the said Webb, as administrator as aforesaid, be and he is hereby authorized and empowered to convey in the same manner all the right of his said intestate and all the right he has acquired by deed from the other heirs, and the tenant for life of said estate, he to be accountable as administrator as aforesaid to the Judge of Probate of Wills, in said county, for the amount received for said lots.

CXLVI.

Resolve on the petition of Jacob Ulmer and others. March 3,
1810.

On the petition of Jacob Ulmer, Matthias Ulmer and John Ulmer, praying that Lucy Knox, executrix of the last will and testament of the late Henry Knox, Esq. may be empowered in her said capacity to make and execute to them deeds of conveyance of the two hundred acres of land in Thomaston, which their late father, John Ulmer, deceased, signed and subscribed for, on a certain memorandum or agreement made and signed on the seventeenth day of September, A. D. 1788, by which the said Henry Knox and Samuel Winslow and Isaac Winslow, jun. contracted to convey the said two hundred acres on certain conditions in said agreement mentioned.

Resolved, That the said executrix in her said capacity be, and hereby is authorized to make and execute deeds of conveyance of all the right and interest which the said Henry Knox had, at the time of his death, in and to the said two hundred acres (which were surveyed by James Malcom on the 21st June, A. D. 1798,) to the said petitioner, their heirs and assigns, in such proportions as may be agreed upon by said Lucy Knox; and the said petitioners, upon the performance of the conditions mentioned in said written agreement, relative to the payment for said land, and payment of legal costs of suit in any actions now pending against either of said petitioners for recovering seizen and possession of said land; the said executrix to be accountable to the Judge of Probate, for the county of

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Lincoln, for whatever sum or sums she may receive for completing the payment for said land.

CXLVII.

Resolve on the petition of John Neal, granting him two hundred dollars. March 3, 1810.

On the petition of John Neal, praying for some remuneration for the loss of his barn, containing hay, grain, &c. burnt (as is supposed) in consequence of his surveying land, by some person or persons unknown.

Resolved, for reasons set forth in said petition, That there be granted and paid out of the treasury of this commonwealth, to the said petitioner, two hundred dollars; and that his Excellency the Governour, by and with the advice of the council, is hereby authorized to issue his warrant for the same accordingly.

CXLVIII.

Resolve appointing Charles Hammond to lay out a road from Kennebeck to Penobscot Rivers. March 3, 1810.

Whereas, as it is essentially necessary to the travel between the Kennebeck and Penobscot rivers, that a road should be cut and made through township number four, in the first range of townships north of the Waldo patent, and some encouragement should be given by the commonwealth to promote that object,

Resolved, That the committee of eastern land be, and they are hereby authorized and empowered to grant and convey to Benjamin Joy, of Boston, in the county of Suffolk, merchant, his heirs and assigns, forever, a lot of land containing three hundred and twenty acres, in township number four, in the first range of townships north of the Waldo patent, which was, at the time of the original grant of said commonwealth, reserved to the commonwealth: *Provided*, the said Joy shall, on or before the first day of July, in the year one thousand eight hundred and eleven, make a road through said township from west to east, in a direction that shall accommodate the travel from the south end of twenty-five mile pond (so called) to the county road in Dixmont, it being in the main road from Kenne-

beck river to Penobscot river ; the said road to be cut and cleared four rods wide, one rod of which shall be made passable for wheel carriages by cutting the stumps level with the ground, taking down the cradle-hills, and making all the necessary causeways and bridges for that purpose on the said road ; all which shall be done under the direction and to the acceptance of Charles Hammon, who is hereby appointed to lay out, examine and approve the same ; and whenever the said Joy, his heirs or assigns shall produce a certificate from the said Hammon, that he or they have, in all respects, complied with the conditions of this resolve, the said committee shall convey to the said Joy, his heirs, executors, administrators or assigns, the lot of land aforesaid.

CXLIX.

Resolve on the petition of Isaac Fisk, guardian to Emily Clark.
March 3, 1810.

On the petition of Isaac Fisk, guardian of Emily Clark, a minor, representing that he had been unavoidably prevented making affidavit that he had posted notifications of the sale of said minor's estate in a certain form according to law.

Resolved, for the reasons set forth in said Fisk's petition, That said guardian may make his affidavit before the Probate Court of the county of Middlesex, at any time within four months from the passing of this resolve, that he had duly posted notifications agreeably to law of the sale of said minor's right and estate in a certain farm in said Weston, and that his affidavit so made shall have the same force and effect as if the same had been made at said Probate Court within the time prescribed by law.

CL.

Resolve for paying the committee appointed to examine the Northampton and Berkshire Banks. March 3, 1810.

On the petition of Josiah Dwight, Esq. for himself and in behalf of George Bliss, Joseph Lyman, John C. Williams and Thomas Allen, Esq. a committee of the two branches of the Legislature appointed by a resolve of February ninth, 1810,

RESOLVES, March 3, 1810.

to examine into the state of the Northampton and Berkshire Banks, praying for compensation for their services.

Resolved, That there be paid out of the publick treasury
 To Josiah Dwight, the sum of seventy-eight dollars.
 To George Blifs, the sum of twenty dollars.
 To John C. Williams, the sum of twelve dollars.
 To Joseph Lyman, the sum of fourteen dollars.
 To Thomas Allen, the sum of sixteen dollars.

In full for their respective services and expences as the committee aforesaid, and that the Governour, with the consent of Council, be requested to issue his warrants on the treasurer therefor.

CLI.

Resolve granting the Quarter-master-general two thousand and seventy-eight dollars eighty-four cents, to pay for cannon, &c. purchased of Clifford and Palmer. March 3, 1810.

Resolved, That the sum of two thousand seventy-eight dollars eighty-four cents be paid to Amasa Davis, Esq. Quarter-master-general, from the treasury of this Commonwealth, to enable him to carry into effect a resolve of the Legislature passed the 22d ult. authorizing and directing him to purchase for the use of the Commonwealth of Ebenezer Clifford and Samuel Palmer, several pieces of iron and brass ordnance and a quantity of cannon balls, for the application of which sum he is to be accountable; and that his Excellency the Governour be requested to issue his warrant on the treasury for the said amount, at such time and in such manner as his Excellency, with advice of Council, may deem expedient for the publick service.

CLII.

Resolve for paying the Committee for making the Tax Bill. March 3, 1810.

Resolved, That there be allowed and paid out of the publick treasury to the committee who was appointed to make and report a tax bill the present session of the General Court

for their services, the sums annexed to their names respectively in addition to their pay as members of the Legislature.

Nathan Fisher, ten days, ten dollars.

Henry Brown, five days, five dollars.

David Devens, four days, four dollars.

Joshua Green, two days, two dollars.

CLIII.

Resolve granting half a township of land, towards making a county road from Kennebeck to Penobscot river. March 3, 1810.

The committee of both Houses to whom was committed the petition of Samuel E. Dutton and others, praying for the aid of this Commonwealth in making the county road from the town of Unity, in the county of Kennebeck, to the head of navigation on Penobscot river, passable for wheel carriages, have attended the duty assigned them, and ask leave to report the following resolves—which is submitted.

LATHROP LEWIS, per. order.

Resolved, That there be, and hereby is granted, one half township of land of the contents of six miles square, to be laid out and assigned from any of the unappropriated lands belonging to this Commonwealth in the district of Maine, excepting the ten townships purchased of the Indians, and the lands contracted for by Jackson and Flint, for the purpose of aiding in making the county road passable for wheel carriages from the easterly line of the township number four, in the first range of townships north of the Waldo Patent, to the easterly line of township number two, in the same range, adjoining the town of Hampden.

Be it further resolved, That said half township of land shall be laid out under the direction of the agents upon the subject of eastern lands; the same to be vested in a commissioner, to be appointed by the Governour, with advice of council, to be holden by such commissioner with full power and authority to sell and dispose of the same in whole or in part, and in such way and manner, as in the opinion of said commissioner, will best effect the purposes and object of this resolve.

Be it further resolved, That the Governour, with the advice of council, be and he hereby is authorized and empowered to appoint a suitable person as commissioner, with full power to

carry into effect the purposes and intentions of this resolve ; which commissioner shall give bond to the treasurer of this commonwealth, with sufficient surety or sureties, to be approved of by said treasurer, in the sum of five thousand dollars, conditioned that he will faithfully discharge his duty as a commissioner under this resolve.

Be it further resolved, That said commissioner shall, on or before the 1st day of February, one thousand eight hundred and eleven, and at any other time when thereto required by the Governour and council, render a just and true account of his proceedings and doings under this resolve ; and the Governour and council be, and they are hereby authorized and empowered to allow to said commissioner out of the proceeds of said half township of land, such compensation for his services, as as they may think fit and proper.

Resolved, That if the proceeds of said half township of land shall be more than sufficient to make the road over the land aforesaid, that the surplus of the proceeds shall be expended in improving the road in such places in the towns of Unity and Hampden, as said commissioners may think best.

CLIV.

Resolve appointing agents to sell the United States stock, the property of the Commonwealth. March 3, 1810.

Resolved, That the Hon. Harrison Gray Otis, Timothy Bigelow and Josiah Dwight, Esquires, be and they are hereby appointed agents for and in behalf of this Commonwealth, to sell and transfer the ten certificates of six per cent. stock which are transferable and amount to seventy-six thousand six hundred and eighteen dollars and seventy-four cents, and are the property of the State : *Provided,* That they do not sell the same for less than one hundred and two dollars for one hundred dollars of said stock.

Resolved, That the said agents also sell and transfer the certificate of three per cent. stock, which is transferable, amounting to twenty-four hundred and sixty-eight dollars and ninety-five cents : *Provided,* The same be not sold for less than sixty-five dollars for one hundred dollars of said stock.

Resolved, That said agents be, and they are hereby authorized and empowered to sell the certificate of three per cent. stock

for two hundred and forty nine thousand seven hundred and sixty dollars and twenty cents, and to assign and convey the same in such manner as may be necessary and proper for this Commonwealth to do: *Provided*, That said certificate shall not be sold for less than sixty-five dollars for one hundred dollars of said stock.

Resolved, That whenever said agents shall sell all, or any part of the foregoing stock, they shall pay over to the treasurer the monies received therefor, who shall give his receipt for the same; which monies shall be applied to the payment of the funded State debt, in such manner as the Legislature may direct; and that the said agents shall receive for the performance of the duties herein proposed, at and after the rate of one eighth of one per centum on the monies so paid into the treasury.

CLV.

Resolve on the petition of Josiah Hayward, allowing an appeal.
March 3, 1810.

On the petition of Josiah Hayward, of Westford, in the county of Middlesex, praying that a sentence awarded against him, on the twelfth day of August last past, by Jeremiah Hildreth, one of the justices assigned to keep the peace, within and for said county of Middlesex, at a court holden before the said justice, on the same day, for a supposed larceny, in taking and carrying away a dunghill fowl; and that he the said Hayward, may be authorized and empowered to enter his appeal from the sentence of the said justice at the Court of Common Pleas, next to be holden at Concord, within and for said county of Middlesex.

Resolved, for the reasons set forth in said petition, That the said Josiah be and hereby is authorized and empowered, to enter his appeal from the sentence of the said justice at the court of Common Pleas, next to be holden at Concord, within and for said county of Middlesex, and the said court are hereby authorized and empowered, to sustain said appeal and proceed, touching the same in all respects, as it would have been lawful for them to have done had the said Josiah claimed said appeal, at the time when said sentence was awarded, and had seasonably entered his appeal in the Court of Common Pleas for said county: *Provided*, The said Hayward gives notice to Samuel Stone, of

said Westford, on whose complaint the said conviction was had, by serving him with an attested copy of this resolve, seven days before the next session of said Court of Common Pleas, and shall recognize before said Court, with a sufficient surety, in such sum as they shall order, to prosecute his said appeal with effect: *And provided further,* that the complainant or any attorney, on behalf of said prosecutor, shall have liberty to amend the original complaint, or to file an entire new complaint for the same cause only as is stated in the original complaint; and it shall be lawful for the said court to proceed upon such amended or new complaint in the same way and manner as they might have done upon the original complaint aforesaid. And in case the said Josiah Hayward, shall refuse to have such complaint amended or filed as aforesaid, then the said Court shall dismiss the process aforesaid, and no farther proceedings shall be had by said Court under this resolution.

CLVI.

Resolve on the petition of James Baldwin and others, Bondsmen of the late Treasurer, Thompson J. Skinner. March 3, 1810.

The committee of both Houses, to whom was referred the petition of James Baldwin and others, who were sureties for the late Treasurer of the Commonwealth, praying for an extension of time for the payment of the demand against them have given the subject all due consideration, and, after having consulted the Attorney and Solicitor Generals, ask leave to report the enclosed resolve

Which is submitted,

P. C. BROOKS, per order

On the Petition of James Baldwin and others, bondsmen of Thompson J. Skinner, deceased, late Treasurer of the Commonwealth, praying that Execution upon such Judgments as may be rendered against them, may be stayed.

Resolved, for reasons set forth in said petition, that the prayer thereof be so far granted, as that the Solicitor General be, and he is hereby authorized and directed to consent to the continuance of all the actions against said Sureties, for Judgment, which are now pending in the Supreme Judicial Court, in the County of Suffolk, from term to term, until March term of the said Supreme Judicial Court, which will be held at Boston,

in and for the county of Suffolk, on the second Tuesday of March, which will be in the year of our Lord, one thousand eight hundred and eleven: *Provided*, that interest upon the sums which shall be found due the Commonwealth upon both the bonds of the said Treasurer Skinner, shall be added to the said sums, and paid by the said sureties, up to the time when final judgments shall be rendered in the aforesaid actions.

Resolved, that the Treasurer of this Commonwealth be and hereby is authorized to receive of the bondsmen of said treasurer Skinner, or of the administrators on said Skinner's estate, any sum or sums of money which may be offered him, of not less than one thousand dollars, at a time, in part payment of the balance due from said Skinner, as treasurer, and to give such receipts therefor, as that such payments shall not operate against any suit or suits which have been commenced by the Commonwealth against said Skinner, as their late treasurer, and his bondsmen; or prevent the obtaining of judgment thereon for the recovery of the money due to the Commonwealth upon said Skinner's bonds: *Provided*, all payments be made either in specie or bills of the Boston Banks: *And provided also*, that interest upon such payments to be made as aforesaid shall be allowed the said sureties and deducted from the amount of the sums which may be finally recovered against them; any law or resolve of the legislature to the contrary notwithstanding.

CLVII.

Resolve for altering the term of the Supreme Judicial Court at Lenox, for the county of Berkshire. March 3, 1810.

Resolved, That the term of the Supreme Judicial Court, which by law is now to be holden at Lenox within and for the county of Berkshire, on the first Tuesday of May next, be, and the same hereby is directed to be holden for this year only, at said Lenox, within and for said county of Berkshire, on the second Tuesday of said May, any law to the contrary notwithstanding, and that all recognizances taken or to be taken, and processes returnable to the next term of said court to be holden within and for said county, shall be returnable to and have day and effect in said court, on the second Tuesday of May next, instead of the said first Tuesday, and the business of said court shall be transacted accordingly.

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CLVIII.

Resolve for laying out a road from Kennebeck river to the River Chaudiere. March 3, 1810.

The committee of both houses, to whom was referred the petition of Nathaniel Dummer and others, praying that commissioners might be appointed to explore and mark out a road from Kennebeck river in a direction to Quebec, having considered the same, ask leave to report the following Resolves.

Which is submitted,

LOTHROP LEWIS, per order.

Whereas the laying out a road from the settlement on Kennebeck river, over the lands of the commonwealth, to the north boundary thereof, in a direction to the nearest settlement on the River Chaudiere for the purpose of opening a communication with Quebec, on the River St. Lawrence, would be of great publick utility. Therefore,

Resolved, That the Governour with the advice and consent of council, be, and he hereby is authorized, to appoint three commissioners for the purpose of exploring, and laying out a road four rods wide in the most convenient and direct route from Kennebeck river, to the north boundary of this commonwealth, in a direction to the nearest settlements on the river Chaudiere—And said commissioners shall have full power and authority to begin at such point on the river Kennebeck in the county of Somerset, as they may think proper, and from thence, to explore and lay out a road four rods wide in the direction aforesaid, and to return a correct plan thereof to the Governour and Council, as soon as they have completed the same, with a particular description of said road.

And said commissioners are hereby authorized to employ such surveyor and other assistants, as they may find necessary to effect the purposes aforesaid, and to lay their accounts before the General Court for allowance.

Resolved, That there be granted to said commissioners five hundred dollars to enable them to carry into effect the foregoing resolve, they to be accountable for the faithful expenditure thereof; and the Governour is requested to draw his warrant on the treasurer for the same.

CLIX.

Resolve for staying proceedings against settlers in the counties of Hancock and Washington. March 3, 1810.

Whereas by a resolve of the General Court of the commonwealth of Massachusetts, passed the third day of March, 1806, the attorney general was directed to reject certain settlers in the counties of Hancock and Washington, who should fail of completing the payments for the lots in which they settled respectively, on or before the third day of March, 1807, and by a resolve passed the twenty seventh day of February, 1809, a further time of twelve months has been allowed, which time has nearly expired. And whereas, it appears that the said payments are not yet fully completed. Therefore

Resolved, That the said Attorney General be directed to stay his proceedings relative to the same for the further time of twelve months from the passing of this resolve, and the agents for the sale of eastern lands are directed in the mean time to receive any monies which the said settlers may pay, and to make out the deeds of their respective lots in the usual manner, any thing in the said resolves to the contrary notwithstanding.

CLX.

Resolve authorizing the Governour to appoint a Superintendent of the Penobscot Indians. March 3, 1810.

The Committee of both Houses to whom were referred the letter of resignation and the accounts of Horatio G. Balch, Esq. superintendent of the Penobscot Indians, have attended to the duties assigned to them, and report, that it is their opinion the accounts are unreasonable, and ought not to be passed; but as the said Balch is not in this town, at the present time, your committee recommend that the further consideration of this subject be referred to the next Legislature. Your committee also ask leave to offer the following resolution.

WILLIAM SPOONER, per order.

Resolved, That his Excellency the Governour, by and with the advice of council, be and they are hereby authorized to appoint a superintendent of the Penobscot Indians, who shall be

invested with all the powers given to the superintendent by the Resolves of February 5, 1807, and June 19, 1807, and the said superintendent shall be subject to such other regulations as the Government and Council may think necessary.

CLXI.

Resolve granting half a Township of Land to the Trustees of Day's Academy. March 5, 1810.

On the petition of the trustees of Day's academy, in Wrentham, praying for the assistance of this Legislature in support of said academy,

Resolved, for reasons set forth in the petition, That there be, and hereby is granted one half of a township of land of the contents of six miles square, to be laid out and assigned from any of the unappropriated lands belonging to this commonwealth in the district of Maine, excepting the ten townships lately purchased of the Penobscot Indians, and the land formerly contracted for by Jackson & Flint; the same to be vested in said trustees and their successors forever; with full power and authority to sell, convey, and dispose thereof in such way and manner as shall best promote the interest of said academy; the same to be laid out under the direction of the committee for the sale of Eastern lands, at the expense of the said trustees: *Provided*, That there be reserved in said half township, four hundred and eighty acres; three hundred and twenty acres of which shall be for the use of the ministry, and one hundred and sixty acres for the use of schools in said township. *And provided*, That the trustees aforesaid, shall not proceed to lay out and assign the same, unless said trustees shall, within three years from the passing of this resolve, lodge in the secretary's office a certified list of donations which have been made, and which shall be made to said academy, and which shall amount to the sum of three thousand and five hundred dollars.

CLXII.

Resolve discharging the Hon. Salem Town, as Agent for the sale of Land at Penobscot. March 5, 1810.

The committee of both Houses, to whom was referred the accounts of the Hon. Salem Town, exhibiting a statement of the sales of a part of the nine townships of land on Penobscot river, and of his receipts of and securities for money paid into the treasury of this commonwealth, have considered the same, and ask leave to report the following resolves.

Which is submitted,
LOTHROP LEWIS, per order.

Whereas the Hon. Salem Town was appointed by a resolve of March the second, one thousand seven hundred and ninety-eight, and of June the twenty-second, one thousand seven hundred and ninety-nine, to make sale of the nine townships of land lying on both sides of Penobscot river, which was relinquished to this commonwealth, by the Penobscot Indians, in the month of August, one thousand seven hundred and ninety-six.

And whereas said Salem Town has exhibited a statement of the sales of land made by him under the resolves aforesaid, amounting to twenty-seven thousand six hundred and ten acres and one half, for the sum of twenty-five thousand eight hundred eighty-four dollars and fifty-eight cents; and has also exhibited his receipts for money and security for money, paid into the treasury of this commonwealth; and for money paid for advertisements, recording mortgage deeds, and for allowance of two and one half per centum for his commission in conducting the same; and also for his time and expense incurred under a resolve of June the nineteenth, one thousand eight hundred and nine, relating to certain settler's lots on a part of the lands aforesaid, which upon a careful examination appear to be well vouched and right cast, and amounting in the whole to twenty-five thousand eight hundred and fifty-one dollars and forty-two cents; leaving a balance due to the commonwealth of thirty-three dollars and sixteen cents. Therefore,

Resolved, That the Hon. Salem Town be, and he hereby is discharged of the sum of twenty-five thousand eight hundred and eighty-four dollars and fifty-eight cents, upon his paying

to the treasurer of this commonwealth the aforesaid balance of thirty-three dollars and sixteen cents.

Be it further resolved, That the Hon. Salem Town be, and he hereby is discharged from any further service as commissioner, under and by virtue of the resolves of March the second, one thousand seven hundred and ninety-eight, and of June the twenty-second, one thousand seven hundred and ninety-nine; excepting the power of fulfilling his contract with David Stopman, and William Lunt, their heirs and assigns.

Resolved, That said Salem Town be, and he hereby is directed to lodge all the plans, deeds, and papers of every kind whatever, relating to the lands aforesaid, in the land office of this commonwealth.

CLXIII.

Resolve granting County Taxes. March 5, 1810.

Whereas the treasurers of the following counties have laid their accounts before the Legislature for examination, which accounts have been examined and allowed; and whereas the clerks of the courts of common pleas, for the said counties, have exhibited estimates, made by the said courts, of the necessary charges which may arise within the said several counties, for the year ensuing, and of sums necessary to discharge the debts of the said counties:

Resolved, That the sums annexed to the several counties, contained in the following schedule, be, and the same are hereby granted as a tax, for each county respectively, to be apportioned, assessed, paid, collected and applied for the purposes aforesaid, according to law.

Suffolk, forty-one thousand dollars	41,000
Essex, seven thousand dollars	7,000
Middlesex, nine thousand five hundred dollars	9,500
Worcester, five thousand dollars	5,000
Hampshire, three thousand dollars	3,000
Berkshire,	
Norfolk,	
Plymouth,	
Bristol,	

Barnstable,	two thousand four hundred and seventy dollars	2,470
Dukes,		
Nantucket,		
York,	four thousand dollars	4,000
Cumberland,	seven thousand dollars,	7,000
Lincoln,	nine thousand five hundred and twenty dollars	9,520
Kennebeck,	nine thousand four hundred dollars	9,400
Oxford,		
Somerset,	one thousand one hundred and eighty dollars	1,180
Hancock,	three thousand dollars	3,000
Washington,	one thousand seven hundred and fifty dollars	1,750

CLXIV.

Resolve authorizing the Treasurer to borrow Fifty Thousand Dollars of the Boston and Union Banks. - March 5, 1810.

Whereas the Treasurer of this Commonwealth has represented that the state of the Treasury may make it necessary for him to borrow fifty thousand dollars:

Be it therefore resolved, That the Treasurer of this Commonwealth, be, and he is hereby authorized and directed, to borrow of the Boston and Union Banks, in addition to the sum now borrowed, any sum, not exceeding fifty thousand dollars, that may at any time within the present year, be necessary for the payment of the ordinary demands made on the treasury; and that he repay any sum he may borrow as soon as money sufficient for that purpose, and not otherwise appropriated, shall be received into the treasury.

CLXV.

Resolve discharging the Quarter Master General of Fifteen Thousand Dollars, and making an appropriation of Fourteen Thousand Seven Hundred Dollars for his department. March 5, 1810.

Resolved, That Amasa Davis, Esq. Quarter Master General, be and he hereby is discharged from the sum of fifteen thou-

RESOLVES, March 5, 1810.

sand dollars, which he expended, including his salary, office rent and clerk hire, amounting to one thousand dollars for one year, ending the seventh of January, one thousand eight hundred and ten, out of the sums he has received the last year by warrants on the Treasurer.

Be it further resolved, That the sum of five hundred and eighty nine dollars be paid to the said Amasa Davis, Esq. out of the Treasury of this commonwealth as the balance of his account with this commonwealth, on his returning to the treasury one hundred and fifty five dollars in uncurred bills, the same having been received by him on warrant, for the purpose of paying the expences arising in the Quarter Master General's department.

And be it further resolved, That the sum of fourteen thousand seven hundred dollars, be paid to the said Quarter Master General, from the Treasury of this commonwealth, to meet the expences of his department the ensuing year, for the application of which he is to be accountable; and that his Excellency the Governour be requested to issue his warrant on the treasury for the amount, at such period and in such sums as his Excellency with advice of council, may deem expedient for publick service.

CLXVI.

Resolve for paying the Clerks of the Senate and Clerk of the House.
March 5, 1810.

Resolved, That there be paid out of the publick treasury to Nathaniel Coffin, clerk of the Senate, and to Nicholas Tillinghast, clerk of the House of Representatives, three hundred and fifty dollars each, and also to Samuel F. Mc Cleary, assistant clerk of the Senate, two hundred and fifty dollars in full for their services in their said offices, the present session of the General Court.

CLXVII.

Resolve granting Elizabeth Pierpont One Hundred and Fifty Dollars.
March 5, 1810.

Resolved, On the petition of Elizabeth Pierpont, widow of Nathaniel Pierpont, for herself, and her children, by power,

praying for the payment of fifteen thousand weight of bread delivered by her late husband, and his brother John Pierpont, for the use of the American army in the year 1775, by the direction of the commanders thereof; it appeared by the evidence produced before your committee, by the petitioner, that the flour from which the bread was made, was flour delivered to said Pierpont by an agent of the British government, to be baked for them, which was taken by order of General Heath and others, for the use aforesaid; and that said Pierponts were entitled only for the payment for the baking of said bread; your committee cannot find any resolve that passed for the payment thereof, although several applications have been made for payment for the bread; your committee are of opinion that it is just that payment should be made for the baking said bread. Therefore,

Resolved, That there be allowed and paid out of the Treasury of this commonwealth, to the said Elizabeth Pierpont, one hundred and fifty dollars, being the sum due, including the interest.

CLXVIII.

Resolve granting Jacob Kuhn, Sixty Dollars, for extra service.
March 5, 1810.

Resolved, That there be paid out of the Treasury of this commonwealth, the sum of sixty dollars to Jacob Kuhn, messenger of the General Court, in full for his services in superintending sundry repairs and improvements in and about the State House, agreeably to several orders and resolves of the Legislature, since March 12, 1808.

CLXIX.

Resolve for paying the Chaplain of the Senate and House of Representatives. March 5, 1810.

Resolved, That there be allowed and paid out of the publick treasury of this commonwealth to the Rev. Joseph S. Buckminster, Chaplain of the Senate, and to the Rev. John Lothrop, Chaplain of the House of Representatives, the sum of sixty dollars each, in full for their services respectively, during the present year.

CLXX.

Resolve for pay to Sylvanus Lapham, assistant messenger to the General Court. March 5, 1810.

Resolved, That there be allowed and paid out the Treasury of this commonwealth, unto Sylvanus Lapham, assistant messenger of the General Court, one dollar per day, during the present session of the Legislature, over and above his ordinary allowance.

CLXXI.

Resolve on the resort of the Committee for repairing the Colonade of the State House. March 5, 1810.

Resolved, That John T. Apthorp, Jonathan Hunewell and Charles Bulfinch, Esqs. be authorized and empowered to cause a platform of hewn stone to be laid, as a floor to the gallery of the Colonade of the State House, to extend from the body of the house over the arches of the lower story; and to make other such repairs as may upon examination, be found necessary; and that his Excellency the Gouverneur with advice and consent of the council, be requested to draw a warrant on the treasurer for payment of the same, not to exceed the sum of fifteen hundred dollars.

CLXXII.

Resolve authorizing Nathan Dane, Esq. to make a statement of the sums charged by this State to the United States, in New England Bills, &c. March 5, 1810.

Resolved, That Nathan Dane, Esq. be, and hereby is, authorized and requested to make a statement of all the sums charged by this State to the United States in New England bills; and the value at which they were charged in the final settlement of accounts with the United States.

Also, an estimate of the deduction, if any, from the value charged,

And make a report thereof to the next General Court: *Provided*, the expence attending the making the said statement and estimate, shall be defrayed by the person or persons applying therefore.

CLXXIII.

Resolve for paying the Committee on Accounts. March 6, 1810.

Resolved, That there be allowed and paid out of the publick Treasury, to the committee appointed to examine and pass on accounts presented against the con monwealth, for their attendance on that service, during the present session, the sums annexed to their names respectively, in addition to their pay as members of the Legislature.

Hon. Thomas Hale, thirty six days—Thirty six dollars.

Hon. Nathan Willis, thirty three days—Thirty three dollars.

Joseph Titcomb, thirty two days—Thirty two dollars.

Silas Holman, thirty six days—thirty six dollars.

CLXXIV.

Resolve to pay Thomas Wallcutt, as assistant clerk to the House. March 6, 1810.

Resolved, that two hundred and fifty dollars be granted and paid out of the publick Treasury to Thomas Wallcut, in full for his services as assistant Clerk of the House of Representatives during the present Session of the Legislature.

CLXXV.

Resolve for the distribution of the Militia Law. March 6, 1810.

Resolved, that the Secretary of the Commonwealth be, and he hereby is directed to cause five thousand copies of the Act entitled, "An Act for regulating, governing, and training the Militia of this Commonwealth," to be printed as soon as may be, and that said Secretary transmit one of said printed copies to the Selectmen of each Town and District within this commonwealth, so soon as opportunity will admit, after the same are printed. And that he deposit the residue of said Copies in the office of the Adjutant General.

Be it further resolved, that his Excellency the Commander in chief be, and he hereby is requested to issue his orders to the Adjutant General to transmit, without delay, one copy of said Act to each officer, holding a Commission in the Militia of this State; in such way and manner, as in the opinion of His Excellency the Commander in Chief, will conduce to give to each Militia Officer the earliest information of said Act.

Be it further resolved; That his Excellency the Commander in Chief, be, and he hereby is further requested, to issue his orders to the Adjutant General, that in all cases, when a commission is issued from his office to any Militia Officer, that he the said Adjutant General, deliver or forward, with each and every commission, one printed Copy of the Militia Law or Laws of this State, which may be in force at the time such commission is issued, in order that every officer when he receives his commission, may at the same time receive a copy of the Militia Law or Laws of this State, which may be then in force.

CXXVI.

Resolve instructing the Senators, and Representatives of this State, in Congress, to endeavour to obtain a repeal of the present Military system of Discipline of the United States. March 6, 1810.

Whereas by an order of the Congress of the United States, passed on the 9th of March, 1779, the system of Discipline commonly known as Baron Steuben's regulations for the order and discipline of the troops of the United States, was adopted, and has ever since been the system of discipline for the Army and Militia; and whereas it is considered wholly inadequate to the communicating that knowledge to the Militia of the United States which might enable them to meet, on equal ground, an enemy skilled in the modern tactics and discipline of Europe. Therefore,

Resolved, That the Senators of Massachusetts in the Congress of the United States, be instructed, and the Representatives be requested, to take such measures as they may deem proper, to obtain a repeal of the said order of Congress; and for the introduction and practice of such system in lieu thereof, as Con-

grefs may think adapted to the present state of the Militia and the defence of the Country.

CLXXXII.

Resolve for paying Nathaniel Coffin, for making an Index to the Senate Journals. March 6, 1810.

Resolved, That there be allowed, and paid out of the Treasury of this Commonwealth to Nathaniel Coffin, the sum of fifty dollars in full for his services in making an Index to the Senate Journals, from the year 1785 to 1789, both inclusive.

CLXXVIII.

Resolve for paying William Adams, Esq. of Chelmsford, member of the House of Representatives. March 6, 1810.

Resolved, That there be allowed, and paid out of the treasury of this Commonwealth to William Adams, seventy dollars in full for his travel and attendance as a member of the House of Representatives the last and present Sessions of the General Court, from the town of Chelmsford; and that the Treasurer of this Commonwealth, be directed to charge fifty eight dollars, part of said sum to said town of Chelmsford, to the end that the same may be included in the next State tax bill, as a part of the sum to be required of said town to pay.

ROLL No. 62....January, 1810.

THE Committee on accounts having examined the several accounts, they now present,

REPORT, That there are due to the Corporations and Persons hereafter mentioned, the sums set to their names respectively, which, when allowed and paid, will be in full discharge of the said accounts to the several dates therein mentioned, which is respectfully submitted.

THOMAS HALE, *Per Order.*

PAUPER ACCOUNTS.

D. C.

Town of Augusta, for boarding, clothing and doctoring Lydia Gordon, to 1st January 1810, D72 20,	and for support of poor persons confined in gaol for debt, D138 86,	211 6
Adams, for boarding and clothing Freeman Blakley Daly's two children, Anna Wallin, and Susanna Cramp, to 22d February, 1810, and John Senach to the time of his death, and funeral charges,	197 72	
Andover, for boarding and clothing Patrick Callahan, to February 1st, 1810,	22 94	
Attleborough, for supplies to Eliza Taylor and daughter, to 15th January, 1810,	22 94	
Abington, for boarding and clothing Thomas Seymour, to 1st January, 1810,	37 50	
Billerica, for boarding, clothing and doctoring Michael Taylor, and William Love and Wife, to 12th February, 1810,	188	
Boxford, for boarding and clothing Mehitable Hall, to 2d January, 1810,	78 63	
Barre, for boarding and clothing John C. Dandrich, to 26th January, 1810,	39 25	
Brookfield, for boarding, clothing, nursing and doctoring Sarah Cook to 19th January, 1810, and Thomas Boyd to 1st January, 1810,	87 84	
Beverly, for boarding, clothing and doctoring sundry paupers to 1st February, 1810,	752 46	

Buckland, for boarding, clothing and doctoring William Negus, to 1st February, 1810,	79 50
Becket, for boarding, clothing and doctoring Sally Leonard and Hiram Leonard, to 1st January, 1810,	67 60
Bowdoinham, for supporting Catharine and Terasa Devens, to 29th December, 1809,	68 72
Bridgewater, for boarding and clothing William Blakely, Frederick Bignor, and Michael Ryan, to 14th February, 1810, and Mrs. Place, and children to time of sending them out of the state,	185 9
Boston, for boarding and clothing sundry paupers to 1st December, 1809,	6428 2
Boston Board of Health, for boarding, nursing and doctoring sundry paupers on Rainsford Island, to 20th January, 1810,	308 75
Brimfield, for boarding, clothing and doctoring John Blakely, to the time of his death and funeral charges,	87 57
Blanford, for boarding and clothing Samuel Walker, to 1st May, 1810,	41 20
Bradford, Samuel, Keeper of the Gaol in Boston, for supporting poor debtors in Gaol to 23d February 1810,	841
Colerain, for boarding, clothing and doctoring Sally Leomineer, Polly Gardiner's two children, and doctoring two children of Henry Rogers to 4th January, 1810,	138 51
Carlisle, for boarding, clothing and doctoring Robert Barber, to 20th January, 1810,	49 80
Cambridge, for board, clothing and doctoring John Wilkens, James Barker, and James Morse and wife, to 27th January, 1810 and Enoch Herbert, Amos Flint, Jonathan Greely, Benjamin Howard Reuben Whittier, and Foster Temple, to the time they were discharged from jail,	249 57
Cape Elizabeth, for boarding and clothing Abram Birks, and James Ramsbottom to 13th January, 1810,	90 75
Chelmsford, for boarding, clothing and doctoring Cathrine Mc. Clenny to 1st January, 1810,	72 62
Charleton, for boarding, clothing and doctoring James Maddan to 1st January, 1810,	41

Chester, for supplies to Elias Leonard to 24th September, 1809,	15 90
Charleston, for boarding and clothing sundry paupers to 21st January, 1810,	356 62
Cheshire, for boarding and clothing and doctoring Adonijah Webster, to the time of death and funeral charges	53 73
Deblois, George, keeper of the alms house in Boston, to 1st December, 1809,	418 16
Dearsfield, for supplies to George Roberts, to 23d January, 1810,	14 17
Dunstable, for boarding and clothing and doctoring Margarett Lane to 2 th January, 1810,	40 16
Dedham, for boarding, clothing and doctoring Eleanor Carroll, Peter Eager, and Anna Angel, to 1st January, 1810,	74
Dracut, for boarding, clothing and doctoring Lucy Jaquith and Richard Baker, to the 1st February, 1810, and Nancy Hale to the time of her going to Methuen,	156 23
Dogget, Samuel, under keeper of the gaol in Dedham, for boarding and clothing James Hatchel, and Squire Bristol to 3d February, 1810,	146 12
Danvers, for boarding and clothing Mary Duckinfield, Jane Duckedy, Ruth Parsons, Suky Honsby, Edward Furlong, George Campbell, James Lewis and James Leo, to 5th February, 1810,	272 95
Douglas, for boarding, clothing and doctoring Betty Triffle, to 16th February, 1810, and Anna Peters to the time of sending her out of the state,	73 96
Dorchester, for boarding, clothing and doctoring John Harrison, and Lydia Wyman's child to 3d February, 1810, and Lydia Wyman, to the time of her death, including funeral charges,	124 91
Eastport, for boarding, clothing and doctoring Edward Moratta, to the time of his death, and Elevan Harris, to his removal to Boston,	241 02
Easthampton, for boarding and clothing John Hall, to 14th February, 1810,	38 08
Egremont, for boarding, clothing and doctoring Mary, Elizabeth, Joseph and Benjamin Daley to 7th January, 1810,	314 62
Easton, for supporting Edward Johnson to 31st January, 1810,	10 19

Falmouth, in the county of Barnstable, for boarding and clothing Edward Edwards to 19th January, 1810,	26
Fryburg, for boarding, clothing, nursing and doctoring Philip Corben to the time of his death and funeral charges,	103 57
Fayette, for boarding and clothing William G. Mar- tin to 1st January, 1810,	63 37
Greenfield, for boarding, clothing and doctoring Eunice Converse and Nabby Leomineer to 22d January, 1810, and John H. Lefolt to the time of his death and funeral charges,	155 99
Gill, for boarding, clothing and doctoring Sarah Hambleton and Samuel Lyons and Wife to 25th January, 1810.	100 19
Granby, for boarding, clothing and doctoring John Murry to the time of his death and funeral char- ges, and Ebenezer Darwin to 29th January, 1810,	85 65
Greenwich, for boarding, clothing and doctoring John Howard, John Bailey and Wife, Elizabeth Harrington and William Rice to 22d January, 1810,	206 62
Gloucester, for boarding, clothing and doctoring sundry Paupers to 10th November, 1809,	1008 50
Granville, for boarding and clothing George Tay- lor and Archibald Stewart, to 1st January, 1810,	83 29
Groton, for boarding, clothing and doctoring J. hn C. Wright and Wife, widow Bentrot, and Wil- liam Lepore and Wife to 1st January, 1810,	355 64
Gorham, for boarding and clothing Robert Gilfal- ling to 1st February, 1810,	65
Great Barrington, for boarding and clothing Isaac, Catharine and Mary Hoofe, John Wittie and Clarisa Lindsay to 26th December, 1809,	286 73
Hodgkins Joseph, keeper of the House of Correction in Ipswich, for boarding and clothing sundry Pau- pers to January 31, 1810,	249 52
Hutson John, Underkeeper of the gaol in Salem, for boarding sundry poor persons, confined in gaol for debt to 1st January, 1810,	394 93
Hiram, District of, for boarding, clothing and doc- toring Daniel Hickey to 22d January, 1810,	59 10
Hallowell, for boarding, clothing and doctoring Ra-	

chel Comings, Lois and Almira Powers, James Carruth, widow Brown and child, widow Davis and children to 1st January, 1810, and Stephen Hinckley and David Brown to the time of their death and funeral charges,	730	76
Hingham, for boarding, clothing and doctoring George, a black man, and Jezra Crofts, to 1st February 1810, and Solomon Wilton, to the time of his leaving the state,	153	28
Hamilton, for boarding and clothing and doctoring Molly Moncrief, to 5th April, 1809,	65	
Hancock, for boarding, clothing and nursing Rebecca Osborn, to 10th February, 1810,	167	56
Haverhill, for boarding, clothing and doctoring William Lapley, and Henry Spoilit, to 1st January, 1810,	97	25
Hadley, for boarding, clothing and doctoring Fryday and Wife, and William Potter, to 1st January, 1810, and George Andrews, and Marsena Potter, to the time of their death and funeral charges,	241	3
Ipswich, for boarding, clothing and doctoring sundry paupers to 1st February, 1810,	282	70
Kittery, for boarding, clothing and nursing Sarah Perkins, and Deborah Perkins, and child to 1st January, 1810,	150	
Limington, for boarding and clothing John Orian, to 1st January, 1810,	67	60
Lincolnville for boarding and clothing Timothy Cox, and Alexander White, to 12th January, 1810,	101	42
Lunenburg, for boarding and clothing Felix Tool, to 25th January, 1810,	59	13
Leyden, for boarding, clothing and doctoring Jedidiah Fuller, and wife, Ruth, Abel and Elizabeth Waggoner, to 13th January, 1810,	93	37
Leicester, for boarding and clothing Lydia Dunham, to 1st February, 1810,	44	67
Lincoln, for supporting and doctoring Hugh Mc. Pherson, to 25th January, 1810,	66	
Littleton, for boarding, clothing and doctoring John Putnam, and Richard Crouch, to 11th February, 1810,	191	90
Lenox, for boarding, clothing and doctoring Abra-		

ham Palmer, and child, Simeon Hanchet, and William H. Clark, to 20th January, 1810	206	54
Lancaster, for boarding and clothing William Sherer, to 4th April, 1809,	81	64
Lincoln, for boarding and clothing Thomas Pocock, to 1st February, 1810,	94	60
Lynn, for boarding, clothing and doctoring John Battes, Nancy Carter and child, Richard Neil, Peter Oulfson, and Josiah Miller and wife, to 8th February, 1810,	301	36
Methuen, for supporting Thomas Pace, to 1st January, 1810,	75	36
Monmouth, for boarding and clothing Joseph Richards, his wife and child, to the time of their leaving this state,	63	
Marshfield, for boarding and clothing Phillis Mitchell, to 15th May, 1809,	44	24
Marblehead, for boarding, clothing and doctoring sundry paupers to 6th February, 1810,	744	85
Marlborough, for boarding, clothing and doctoring Joseph Waters, to 7th February, 1810, and Thomas Welsh, to the time of going away,	73	20
Manchester, for board, clothing and doctoring Thomas Douglas, to 2d February, 1810,	75	50
Milton, for board, clothing and doctoring Thomas Webster, Rebecca Welsh and two children to 23d February, 1810, and John Merry to the time of his death and funeral charges,	143	18
North Yarmouth, for board and clothing William Elwell, and William Campbell, to 1st January, 1810,	127	6
Nantucket, for board and clothing John Bell, John Baily, Elenor Jones and James Plato to 1st January, 1810, and Alexander Chaine to the time of his death and funeral charges,	139	49
Northfield, for boarding, clothing and doctoring Richard Kingsbury, to 26th January, 1810,	89	85
Newbury, for boarding, clothing and doctoring sundry paupers to 1st January 1810,	1390	50
Newburyport, for boarding, clothing and doctoring sundry paupers to 1st January, 1810,	1725	26
Newbedford, for boarding and clothing Martin Joseph and Gonofent, to 29th December, 1809, and John Gordon to the time of leaving the state,	45	90

Northampton, for boarding and clothing Caroline Robbins, and child, James Barry, William Welsh, Lemuel Culver, and family, Elizabeth Davis, and Samuel Dodge to February 1st, 1810, and Rantom Parker, Charles Butler, Peter Jackson and Joel Bartlet, poor prisoners in gaol for debt to the time of their going away,	320	87
New Gloucester, for boarding and clothing Joseph Gregory, and John May, to 11th February, 1810,	102	80
Oxford, for boarding and clothing Catharine Jordan, to 1st January, 1810,	62	34
Overeers of Marshpee Indians, for boarding and clothing Elizabeth Isaacs and Quash Bulkin to 6th February, 1810, and boarding, clothing and doctoring Thomas Cæsar, to 27th Februry, 1810,	145	95
Peru, for supporting James Robbins, and family to 15th January, 1810,	71	12
Palmer, for boarding, clothing and doctoing Will iam Mendem and wife to 5th January, 1810,	139	95
Portland, for boarding, clothing and doctoring sun-dry paupers to 1st January, 1810,	1363	83
Pitt-field, for boarding, clothing and nursing Peter Heon, to 8th February, 1810, and Jonathan Spear to 1st February, 1810	126	67
Quincy, for boarding, clothing and doctoring the wife and children of Dennis Bulkley, to the time of leaving the State, and William Oliphant to 6th February, 1810,	170	46
Rowe, for boarding, clothing and doctoring Azubah Porter to 14th February, 1810,	30	65
Reading, for boarding, clothing and doctoring Samuel Bancroft and Thomas Grant to 25th January, 1810, and Samuel Robinson to the time of his death and funeral charges,	323	7
Rutland, for boarding, clothing and doctoring William Henderson, Boswell Farrer, a child, and John Cowling to 26th January, 1810,	144	48
Rowley, for boarding, clothing and doctoring Elle Collins to 1st January, 1810,	65	89
Roxbury, for boarding, clothing and doctoring fun-dry Paupers to 3d January, 1810,	486	46
Rehoboth, for boarding and clothing Elizabeth Cros-		

by and Lief Mason and child to 30th January, 1810,	156 50
Standish, for boarding and clothing Allice Noble to 1st January, 1810,	58 82
Sandisfield, for boarding, clothing and doctoring Richard Dickson, wife and children, and Eliza Dandoo to 8th January, 1810,	99 88
Stockbridge, for board and clothing Mercy Dond, Sarah Hosford, Jeremy Elky and Seely Peet, to 5th December, 1809,	208 75
Somerset, for board, clothing and doctoring William Ellot to 1st January, 1810,	98 05
Sidney, for board, clothing and doctoring John and Henry Lyons to 1st January, 1810,	57 31
South Hadley, for supporting and doctoring Peter Pendergrafs to 6th January, 1810,	69 43
Stoneham, for supporting and doctoring John H. Clamrod to the time of his death and funeral charges,	42 58
Springfield, for boarding and clothing John Padley to 26th January 1810,	55 88
Southwick, for board, clothing and doctoring George Reed to 1st January, 1810,	87 83
Sherburne, for board, clothing and doctoring Ben- jamin Houghton to 29th January, 1810,	58 44
Sheffield, for board, clothing and doctoring Wil- liam Mc. Gee, and Guy, a negro, to 1st January, 1810, Jack Brown to the time of leaving the town, and Henry Pond to the time of his death and funeral charges,	139 20
Salem, for boarding, clothing and doctoring sun- dry Paupers to 1st January, 1810,	1421 21
Swansey, for board and clothing Thomas Conally to 26th January, 1810,	50 22
Shirley, for supplies to Roderick Mc. Kinsey and wife, Simeon Cox and James Mills to 29th Jan- uary, 1810,	135 18
Sturbridge, for supporting James Banton to 24th Jan- uary, 1810,	42 41
Shrewsbury, for boarding, clothing and doctoring Sally Taylor and two children to 19th February, 1810,	58 07
Sudbury, for boarding, clothing and doctoring	

John Weighton to 12th February, 1810, Sharon, for boarding and doctoring John Fouchard to the 13th of May, 1809,	73 24
Taunton, for boarding and clothing Henry Ash, Edmund Shores, Manuel, Disnors and Hannah Goff to 27th January, 1810, and John Shores, to 24th February, 1809	73 00
Topsfield, for supporting Thomas Comerford to the time of going to Beverly,	285 04
Tyningham, for boarding and clothing for Ralph Wey to 1st January, 1810,	46 00
Troy, for boarding and clothing Francis Brown to 21st February, 1810,	60 92
Tisbury, for board, clothing and doctoring Joseph Alvarez to the time of removing him out of the commonwealth,	101 00
Uxbridge, for board, clothing and doctoring Da- vid Mitchell and Benjamin Cantiff to 1st Febru- ary, 1810, and Patience Hazard to the time of her going out of the State,	197 03
Vassalborough, for boarding, clothing and nursing James Lester and Abigail Fairbrother to 20th January, 1810,	90 08
Wayne, for boarding, clothing and doctoring Sally Allard to 22d January, 1810,	94 88
Wells, for expence of taking up and burying the body of a Swede, drowned in January 1808,	62 4
Warwick, for boarding and clothing Samuel Grif- feth, to 23d January, 1808,	6 24
Winthrop, for boarding, clothing, nursing and doctoring, Olive Howard to 15th January, 1810, and William Gaskell to 3d January, 1810,	54 8
West Stockbridge, for boarding and clothing Lucy Lane to 1st January, 1810,	120 6
Waldoborough, for boarding, clothing and doctor- ing James Collins to the time of his death includ- ing funeral charges,	56 80
Walpole, for boarding, clothing and doctoring Sally Davis to the time of her death and funeral charges, and Robert Clew to 1st January, 1810,	72 00
Williamstown, for boarding, clothing and doctor- ing Stephen Blew, Rachel Galusha, Charles Mc.	135 75

Carthy and Robert Morrell to 23d January, 1810, Windsor, for boarding and clothing Henry Smith and wife to 9th January, 1810,	194 5
Westfield, for supporting and doctoring Elias Leonard to 26th April, 1809,	56 61
Warren, for supporting William Moorman to 4th January, 1810,	39 67
Woburn, for boarding and clothing John and Wil- liam Lynham to 12th February, 1810,	52 00
Worcester, for boarding, clothing and doctoring Pe- ter Willard, Henry Bratz, Sally Melvin and A- braham Fairfield to 1st January, 1810, and Jack Melvin to the time of his death and funeral char- ges,	80 00
West Springfield, for board, clothing and doctoring William Bell and James Aldrich to 21st January, 1810,	196 74
Washington, for board and clothing Phebe Clark to 2d February, 1810,	95 34
Westford, for board, clothing and doctoring Phil- lip Jackson and Christopher Shepard to 22d February, 1810,	41 8
Yarmouth, for supporting James Deagle to time of leaving the State,	101 40
York, for boarding, clothing and doctoring sundry paupers to 8th February, 1810,	31 97
Total Paupers,	734 98
	33547 77

MILITARY ACCOUNTS.

Courts Martial and Courts of Inquiry.

Clapp, Jeremiah, for the expence of a Court Martial held at Charleston in February, and March, 1809, for the trial of Capt. Melzar Holmes, Col. Joseph Whitman, president,	358 19
Clapp, Jeremiah, for the expence of a Court of In- quiry held at Woburn, 19th July, 1809, Major Jonathan Lock, President,	13 17
Howard, Samuel, for the expence of a Court of In- quiry	

quiry held in July, 1809, Major Samuel Coney, President,	60	38
Howard, Samuel, for the expence of a Court of In- quiry held in August, and September 1809, Col. Thomas Phillebrown, President,	14	5
Hammat, William, for the expence of a Court of In- quiry held in March, 1808, B. Gen. Fearing, Pre- sident,	36	41
Hammat, William, for the expence of a Court of In- quiry held in May, 1809, Major Caleb Howard, President,	19	23
Hammat, William, for the expense of a Court of In- quiry held in June, 1809, Major Caleb Howard, President,	25	52
Kettell, Jonathan, for the expence of a Court of In- quiry held on the 27th and 26th July, 1809, Ma- jor John Tedder, President,	11	81
Bass, George, as Brigade Major P. T for the ex- pence of a Court Inquiry held in Boston 26th Oc- tober, 1809, Major Joseph Tilden, President,	31	76

Brigade Majors and Aids-de-Camp.

Ayrs, James, to 10th February, 1810,	72	86
Bastow, Sumner, to 1st December, 1809,	47	70
Bates, Elhanah, to February, 1810,	59	83
Bliss, Joseph, Jun. to 26th December, 1809,	43	38
Curtis, Jared, to 24th January, 1810,	13	18
Clapp, Jeremiah, to 11th February, 1810,	103	40
Fisher, Jacob, to 11th February, 1810,	36	34
Fairbank, John, to February, 1810,	20	
Goddard, William, to 1st January, 1810,	107	15
Garnwell, Samuel, to 27th January, 1810,	11	50
Goodwin, Icabod, to 1st January, 1810,	34	70
Hoyt, Epaphras, to January, 1810,	51	92
Hayward, Nathan, to January, 1810,	45	15
Hayes, W. Samuel, to 6th October, 1809,	68	22
Hamlin, Hannibal, to January, 1810,	128	57
Howard, Samuel, for his services in the first and second Brigade, eighth Division, to January, 1810,	252	61
How, Estes, to January, 1810,	4	60
Hight, William, to 1st January, 1810,	95	33
Kettell, Jonathan, to 13th February, 1810,	65	26

Lovejoy, P. John, to 12th February, 1810,	10 50
Mattoon, D. Noah, to 30th January, 1810,	7 50
Prince, John, to 1st July, 1809,	53 31
Russ, John, to 1st January, 1810,	53
Thayer, M. Samuel, to 23d February, 1810,	108 75
Wheeler, Robert, to January, 1810,	40 5
Whiting, Timothy, to 21st January, 1810,	103 25

Adjutants.

Ames, Pliney, to 24th January, 1810,	20 27
Backus, Ze as, to 17th January, 1810,	57 41
Bien, O. Jeremiah, to 1st December, 1809,	31 52
Bucklin, Joseph, to 1st January, 1810,	23 94
Benson, John, to 1st January, 1810,	88 17
Beak, John, to 16th February, 1810,	53 18
Bates, Isaac, to 4th December, 1809,	21 75
Burt, bner, Jun. to 14th September, 1809,	14 45
Bass. George, to 21st February, 1810,	197 37
Cornell, Phillip, to 30th January, 1810,	49 5
Chandler, Benjamin, to 21st November, 1809,	18 76
Curtis, Joseph, to 14th January, 1810,	10 75
Cushman, James, to 1st January, 1810,	18 77
Clark, J. seph, to 16th January, 1810,	80 78
Cheever, Nathaniel, to 6th February, 1810,	48 77
Crain, Nathan, Jun. to 23d January, 1810,	12 77
Donnison, William, adjutant General, in full for his services for 1809,	1000
Dickenson, Frederick, to 1st February, 1810,	31 38
Frost, Timothy, to 21st December, 1809,	22 56
Fisk, Ezra, to 16th January, 1810,	54 15
Fettyplace, Thomas, to 20th February, 1810,	6 50
Fletcher, Samuel, to 20th January, 1810,	16 6
Foot, Elisha, to 20th September, 1809,	11 18
Gitchel, Ephraim, to 21st December, 1809,	96 25
Haggim, Benjamin, to 25th January, 1810,	19 62
Holmes, Bartlet, to 15th February, 1810,	13 98
Hayden, Samuel, to the 21st June, 1809,	12 43
Hinman, Ranson, to 1st September, 1809,	19 19
Hayden, Charles, to 8th September, 1809,	10 88
Jones, Amos, to 18th January, 1810,	8 64
Jaques, Samuel, Jun. to 17th February, 1810	121 59
Jewett, Jesse, to 28th January, 1810,	20 98

Kellogg, Giles, to 28th January, 1810,	49	48
Kettell, Jonathan, to 11th June, 1809,	14	75
Lane, Daniel, to 20th January, 1810,	6	44
Lyman, Lewis, to 1st January, 1810,	29	68
Marston, Jonathan, to 24th January, 1810,	51	41
Maxwell, Sylvanus, to 15th September, 1809,	25	89
Munroe, William, to 1st March, 1809,	26	5
Morgan, Aaron, to 31st January, 1810,	18	
Northam, Eli, to 27th December, 1809,	15	35
Niel, John G. to 1st February, 1810,	18	4
Nye, John, to 18th January, 1810,	5	17
Orr, Hector, to 23d September, 1809,	33	23
Peck, George, to 1st November, 1809,	11	69
Page, Nathaniel, to 13th February, 1810,	18	58
Parker, Henry, to 23d February, 1810,	32	
Pengree, Samuel, to 17th February, 1810,	42	75
Pope, Ebenezer, Jun. to 1st February, 1810,	8	85
Ripley, W. James, to 1st December, 1808,	38	79
Richardson, Wyman to 3d October, 1809,	28	84
Kingman, Simeon, to 28th January, 1810,	10	59
Page, Jesse, to 30th January, 1810,	58	17
Pope, Edward, Jun. to 5th October, 1809,	21	23
Starr, James, Jun. to 30th January, 1810,	14	15
Sawyer, William, to 1st February, 1810,	43	33
Sprout, James, to 3d February, 1810,	37	69
Stebbins, Quarius, to 15th November, 1809,	40	39
Stebbins, Fenus, to 21st November, 1809,	17	50
Sleeper, Menassah, to 2d September, 1809,	33	26
Smith, Henry, to 12th February, 1810,		
Shaw, Joseph, to 1st October, 1809,	5	25
Stewart, Jotham, to 1st February, 1810,	16	18
Thomas, B. John, to 3d January, 1810,	26	64
Tucker, Joseph, to 2d January, 1810,	62	94
White, Jonathan, to 16th January, 1810,	7	50
Washburne, Abiel, Jun. to 1st October, 1809,	23	26
Woodman, Ephraim, to 26th September, 1809,	19	51
Weston, D. Jonathan, to 1st January, 1810,	16	95
Winflow, John, Jun. to 20th February, 1810,	37	
Wight, James, to 3d January, 1810,	24	57
Wallman H. Philo, to 24th January, 1810,	14	40
Williams S. John, to 26th February, 1810,	60	5
Willington, Charles, to 23d January 1810,	110	82
Wild, Jonathan, to 7th February, 1810,	34	84

Wade, Samuel, to 22d February, 1810, 8₁ 27

Expences for Horses to haul Artillery.

Blanchard, Joshua, to 12th October, 1809,	8 ₁ 0
Carlisle, James, to 16th January, 1810,	7 ₁ 50
Chapinian, Levi, to 6th February, 1810,	5 ₁ 1
Cobb, David, to 1st January, 1810,	3 ₁ 0
Davis, William, to 1st November, 1809,	4 ₁ 50
Eaton, Jonas, to 21st September, 1809,	5 ₁ 1
Hartshorn, Jesse, to 15th January, 1810,	5 ₁ 1
Hammon, William, to 1st January, 1810,	7 ₁ 50
Harris, Elisha, to 6th October, 1809,	4 ₁ 45
Hammon, C, to 1st November, 1809,	5 ₁ 1
Harris, William, to 1st January, 1810,	2 ₁ 0
Jenkins, Weston, to 1st January, 1810,	1 ₁ 51
Lewis, James, to 30th January, 1810,	6 ₁ 1
Little, Otis, to 1st January, 1810,	5 ₁ 1
Makepeace, William, to 24th January, 1810,	5 ₁ 1
Newhell, Aaron, to 1st February, 1810,	1 ₁ 0
Page, William H. to 21st January, 1810,	1 ₁ 0
Phelps, Samuel W. to 29th January, 1810,	1 ₁ 0
Plummer, Addison; to 23d January, 1810,	8 ₁ 1
Russell, John, to 12th February, 1810,	7 ₁ 50
Sawyer, George, to 5th October, 1809,	6 ₁ 50
Smith, George S. to 2d January, 1810,	1 ₁ 0
Stafford, Ebenezer, to 29th December, 1809,	6 ₁ 1
Thomas, Andrew, to 11th October, 1809,	7 ₁ 50
Wheeler, Samuel, to 22d January, 1810,	1 ₁ 0
Wells, Martin, to 25th October, 1809,	1 ₁ 0
Wales, Stephen, to 14th October, 1809,	6 ₁ 25
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Total Military,	5939 5 ₁

SHERIFF'S AND CORONER'S ACCOUNTS.

Chandler, John, sheriff of Kennebeck county, for returning votes for Governour, Lieut. Governour and Senators for 1809,	14 40
Cutler, Benjamin, for returning votes for Governour, Lieut. Governour and Senators for 1809,	8 ₁ 8
Dane, William, coroner, for expense of taking in-	

inquisition on the dead body of a stranger at Gloucester, 2d October, 1809,	6 20
Foltom W. John, for expense of taking inquisition on the bodies of William Jones, Lewis Marshall and another, name unknown, foreigners, to 23d February, 1810,	72 18
Hardy, Peter, coroner, for expense of taking inquisition of the body of Lazarus, a foreigner, at Isle of Hant, 19th November, 1808,	49 51
Leonard, Horatio, sheriff of Bristol county, for returning votes for Governour, Lieut. Governour and Senators for 1809,	11 20
Leonard, Zephaniah, late sheriff, for returning votes for Governour, Lieut. Governour and Senators for 1808,	3 20
Lithgow, Arthur, late sheriff of Kennebeck county, for returning votes for Governour, Lieut. Governour and Senators for 1807, omitted in former Roll,	16
Pomroy, William, coroner, for expense of taking inquisition on the body of Josiah Kois, a foreigner, on 4th September, 1809,	26 96
Wyman, Isaiah, coroner, for expense of taking inquisition and burial of the bodies of two persons unknown, 5th July, 1808,	31 18
Waite, Nathan, coroner, for expenses of taking inquisitions on the bodies of two persons, strangers, the 11th and 23d August, 1809,	25 30
Total Sheriff's and Coroner's Accounts,	257 1

PRINTER'S ACCOUNTS.

Allen, Phineas, for publishing acts and resolves to 13th February, 1810,	16 67
Adams & Rhoades, for publishing resolve respecting Norridgewock votes and acts regulating towns to 25th December, 1809,	10
Allen, E. W. for publishing acts and resolves to 1st August, 1809,	16 67
Allen, Brown William, for publishing acts and resolves to July, 1809,	16 67

Cushing, C. Thomas, for publishing acts and resolves to June, 1809,	16 67
Dickman, Thomas, for publishing acts and resolves to 25th January, 1810,	16 67
Edes, Peter, for printing documents respecting treasurer Skinner—acts and resolves respecting Norridgewock votes to 1st January, 1810,	15
Parks, Benjamin, for newspapers for council chamber to June, 1808,	32
Russell, Benjamin, for newspapers for council chamber to 11th June, 1808,	28
Russell & Cutler for newspapers for General Court to 25th May, 1808,	32
Shirley, Arthur, for publishing acts and resolves to 1st January, 1810,	16 67
Strong, Titus, for publishing acts and resolves to January 1st, 1810.	16 67
Weeks & McKown for publishing report and documents respecting late treasurer Skinner's accounts,	12 50
Young & Minns for printing for secretary's and treasurer's offices, and the General Court, executed by Russel & Cutler and J. & A. W. Park, to 2d March, 1810,	1629 20
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MISCELLANEOUS ACCOUNTS.

Blaney, Henry, for sundries repairs for the state house to 22d January, 1810,	69 39
Boyle, John, for Stationary for Adjutant General's Office to the 2d December, 1809,	146 25
Bridge, Matthew, John Wells, Benjamin Weld, Joseph Head and David Devens, Committee for examination and adjustment and settlement of Treasurer Dwight's, accounts with the commonwealth to 1st July, 1809,	70
Burdit, W. James, and Co for sundries stationary for General Court and Secretary's office to 22d February, 1810,	355 98
Bradley, Samuel and David, for sundry articles fur-	

nished for the State House, to February, 26th 1810,	94 92
Durant, William, for cleaning windows and other work done in the State House to 26th February, 1810,	19 2
Hill, Aaron, for postage of letters for Governour Adjutant General, Secretary and Treasurer to 17th February, 1810,	275 49
Jackson, Jonathan, James Lloyd, Joseph Head, George Burrows, and Matthew Bridge, Com- mittee for settling Treasurer Skinner's accounts with the commonwealth,	260
Lincoln, Amos, for materials and work done in the State Houle to 27th February, 1810,	135 46
Spear, Thomas, for his services in keeping the hos- pital at Rainsford, Island, to 14th February, 1810,	44 44
Sewall, Daniel, clerk of the Supreme Judicial Court, for the county of York, for dockets and record books to 1st February, 1810,	11 7
Smith, Ebenezer, for expences of himself and others attending the orders of House of Representativs on a complaint against Benjamin Bassett, Esq.	107 66
Wheeler, Josiah, for sundries, work and materials for State House to 22d February, 1810,	67 62
Lapham, Sylvanus, for assisting the Messenger to the General Court to 6th March 1810,	80
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Total Miscellaneous	1883 30

Aggregate of Roll No. 62—March, 1810.

Expense of State Paupers,	33,547 77
Do. Militia,	5,939 51
Do. Sheriff's and Coroners,	257 0
Do. Printers,	1,875 39
Do. Miscellaneous,	1,883 30
Total	43,502 98

Resolved, That there be allowed and paid out of the publick treasury to the several corporations and persons mentioned in this Roll, the sums set against such corporations and persons names respectively, amounting in the whole to the sum of forty-three thousand, five hundred and two dollars and ninety-eight cents, the same being in full discharge of the accounts and demands to which they refer.

In Senate March 5th, 1810,

Read and accepted, and sent down for concurrence,

H. G. OTIS, President.

In the House of Representatives, March 5th, 1810,

Read and concurred,

TIMOTHY BIGELOW, Speaker,

March, 6th 1810, Approved,

C. GORE.

Ooo

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